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
May 27, 2015

Present:

Supervisor William Moehle	Daniel Aman, Town Clerk
Councilmember James Vogel	Kenneth Gordon, Attorney for the Town
Councilmember Louise Novros	Mark Henderson, Chief of Police
Councilmember Jason DiPonzio	Tim Keef, Commissioner of Public Works
Councilmember Christopher Werner	Suzanne Zaso, Director of Finance

MEETING CALLED TO ORDER AT 7:00 PM:

OPEN FORUM:

Camile Houpt 26 Whitestone Ln.
Sara Viggiani 104 Shoreham Dr.

APPROVAL OF AGENDA:

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel to approve the agenda

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed Extension #100 to the Brighton Consolidated Sanitary Sewer District for property located at 59 Collingsworth Drive (see Resolution #1).

(Complete transcript available upon request)

Motion by Councilmember Louise Novros 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. 1 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Proposed Extension #1 to the Westerloe Avenue Refuse District for property located at #116 Westerloe Avenue (see Resolution #2).

(Complete transcript available upon request)

Motion by Councilmember James Vogel 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

COMMUNICATIONS:

FROM Patrick Belle-Isle dated May 1, 2015 to Supervisor regarding the proposed redevelopment of Clover Lanes project.

FROM Jewish Federation of Greater Rochester to Supervisor dated May 8, 2015 thanking him for attending the 2015 Legislative Luncheon held May 1, 2015.

FROM Monroe County Dept. of Planning & Development to Supervisor, dated May 8, 2015 Re: DRAFT 2015 Annual Action Plan for Monroe County

FROM Julie Kashtan and Richard & Sidonie Roepke both dated May 11, 2015 to Supervisor regarding the proposed redevelopment of Clover Lanes project.

FROM Andrea Costanza and Jacqueline Meagher Lee both dated May 12, 2015 to Supervisor regarding the proposed redevelopment of Clover Lanes project.

FROM Laura Thomas dated May 15, 2015 to Supervisor regarding the proposed redevelopment of Clover Lanes project.

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros to receive and file the aforementioned communications

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services – Met on 5/18/15; next meeting 6/22/15 at 4:30 PM at Brookside School.
Finance and Administrative Services – Met on 5/19/15; next meeting 6/2/15 at 3:30 PM in the Stage Conference Room at Town Hall.
Public Safety Services – Met 5/12/15; next meeting 6/9/15 at 8:00 AM in the Downstairs Meeting Room at Town Hall.
Public Works Services – Has not met since last Town Board meeting; next meeting 6/2/15 at 9:00 AM in the Downstairs Meeting Room at Town Hall.

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. 3 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file amended letter of intent along with the Supplemental State Environmental Review Report both dated May 15, 2015 relating to the redevelopment of Clover Lanes project and authorize Ramsey Boehner, Town Planner to coordinate the environmental review and seek Lead Agency status on behalf of the Town Board (see Resolution #3 and letter dated May 20, 2015 from Ramsey Boehner, Town Planner).

Motion by Councilmember James Vogel 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. 4 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Zoning and Incentive Zoning application from the University of Rochester for the Institutional Planned Development project with authorization for Supervisor to execute all associated documents and agreements (see Resolution and supporting documentation).

Motion by Councilmember Christopher Werner 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. 5 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file Planning Board Advisory Report dated May 6, 2015 and letter dated May 19, 2015 from Jerry Goldman, Attorney of record for Anthony J. Costello and Son Development, regarding application to further amend the Amended Incentive Zoning application for the project known as the Reserve and set June 10, 2015 as Public Hearing date for same (see Resolution #4 and letter dated May 20, 2015 from Ramsey Boehner, Town Planner and Executive Secretary of the Planning Board).

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

MATTER RE: Authorize Supervisor to execute Membership Agreement and any related documents to participate as a member of the Finger Lakes Municipal Health Insurance Trust (see Resolution #5 and letter dated May 4, 2015 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. 7 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept a $537 donation from the Garden Lovers Club of Brighton to be used towards the planting of fruit trees on the grounds at the Buckland House (see Resolution #6 and letter dated May 6, 2015 from Timothy Keef, P.E. Commissioner of Public Works).

Motion by Councilmember Louise Novros 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. 8 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with BCS/Smart Edge to provide HVAC materials and professional services (see Resolution #7 and letter dated May 18, 2015 from Timothy Keef, P.E. Commissioner of Public Works).

Motion by Councilmember James Vogel 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. 9 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute agreement with Pipitone Mechanical Contracting Co. to provide mechanical contracting materials and professional services (see Resolution #8 and letter dated May 18, 2015 from Timothy Keef, P.E. Commissioner of Public Works).

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. 10 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute County of Monroe Community Development Block Grants renewal agreements for sidewalk projects on Crittenden Road (see Resolution #9 and letter dated May 20, 2015 from Chad Roscoe, Jr. Engineer).

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. 11 attached

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION AT 8:26 PM:

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to go into executive session to discuss employment of a particular person and real estate matters.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MOTION TO EXIT EXECUTIVE SESSION AT 10:15 PM:

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner to come out of executive session at 10:14 PM

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

ADJOURNED AT 10:15 PM:

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel to adjourn at 10:15 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 27th day of May 2015 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

EXHIBIT NO 1

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 27th day of May, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

WHEREAS, a petition, dated February 19, 2015, was previously received and filed in support of Extension #100 to the Brighton Consolidated Sewer District relating to property located at 59 Collingsworth Drive in the Town of Brighton for the purpose of providing sewer service to the subject property; and

WHEREAS, a public hearing was duly called and held in such matter on May 27, 2015; and

WHEREAS, the Town Board, as lead agency under SEQRA has given due deliberation to the matter and has determined that the proposed action will not have a significant effect on the environment; and

WHEREAS, the evidence offered at such public hearing requires that the Town Board make the determinations made herein;

NOW THEREFORE, BE IT ORDERED, that it be and hereby is determined as follows: (1)that said petition is signed and acknowledged or authenticated as required by law and is otherwise sufficient, and that the petition complies with section 191 of the Town Law;(2) that all property and property owners within the extension are benefited thereby (3) that all property and property owners benefited by the proposed extension are included within the limits of the proposed extension; (4) that it is in the public interest to grant the relief sought therein; and be it further

ORDERED that the Town as Lead agency under SEQRA hereby adopts the proposed Negative Declaration under the State Environmental Quality Review Act with respect to said proposed extension, and be it further

ORDERED, that the said petition requesting that Brighton Consolidated Sewer District Extension # 100 be established be, and the same hereby is, granted, with the costs thereof to be charged on a benefits derived basis; and be it further

ORDERED, that the Town Clerk be, and hereby is directed to record a certified copy of this Order in the office of the Clerk of the County of Monroe within ten days after the adoption of this Order.

Dated: May 27, 2015

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

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 22nd day of April, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 16, 2015 from Town Junior Engineer Chad Roscoe, together with April 2, 2015 correspondence from Town Assessor Elaine K. Ainsworth, a draft Negative Declaration dated April 22, 2015 and Short Environmental Assessment Form and supporting documents prepared pursuant to the State Environmental Quality Review Act and a petition dated February 19, 2015 all submitted in support of Extension #100 to the Brighton Consolidated Sewer District relating to property in the Town of Brighton located at 59 Collingsworth Drive, be received and filed; and be it further

RESOLVED, that the Town Board hereby sets a public hearing to consider the proposed Extension #100 to the Brighton Consolidated Sewer District for May 27, 2015 at 7:30pm or as soon thereafter as the matter may be heard to be held at Brighton Town Hall, 2300 Elmwood Avenue, Town of Brighton, County of Monroe and State of New York, and that the Town Board further directs the Clerk of the Town to post and publish such notice of the above public hearing as is required by law.

Dated: April 22, 2015

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

DEPARTMENT OF PUBLIC WORKS

2300 ELMWOOD AVENUE ★ ROCHESTER, NEW YORK 14618 ★ PHONE (585)784-5250 ★ FAX (585)784-5368

4/16/2015

Mr. Tim Keef, P.E.
Commissioner of Public Works
Town of Brighton
Dept. Of Public Works
2300 Elmwood Avenue
Rochester, NY 14618

Re: Extension #100 To the Brighton Consolidated Sewer District

Dear Commissioner Keef:

I have reviewed the enclosed petition, map and description for the above Extension #100 To the Brighton Consolidated Sewer District formation and find them to be in order. The Assessor's Certificate and the Negative Declaration pursuant to the State Environmental Quality Review are also enclosed. Copies are enclosed for you file – all the original documents are forwarded to Mary Ann Hussar for processing.

The entrance fee for this district is $300 and Legal & Advertising fee is $150 which comes to a total of $450 dollars.

District Entrance Fee	=	$300.00
Legal & Advertising Fee	=	$150.00
Total	=	$450.00

Said fee was processed at the Town Hall on April 16, 2015. A photocopy of the check is enclosed as part of the petition packet. Please proceed to set the public hearing date for this district at the next available Town Board meeting. Do not hesitate to contact me if you have questions regarding this matter.

Sincerely,

Chad Roscoe
Junior Engineer
Department of Public Works

CC: T. Keef
M. Hussar
S. Zaso
S. Zimmer
E. Ainsworth
K. Gordon

TOWN OF BRIGHTON
ASSESSOR'S OFFICE
2300 ELMWOOD AVENUE
ROCHESTER, NY 14618
(716) 784-5216

DATE: April 2, 2015
TAX ID#: 123.18-2-22
ADDRESS: .53 Acres (+ or -)
59 Collingsworth Drive,
Brighton
EXTENSION NO.: 100
Brighton Consolidated Sewer District

I, Elaine K. Ainsworth, Assessor, Town of Brighton, County of Monroe, State of New York, hereby certify that I have examined the petition for the Extension Number 100 to the Brighton Consolidated Sewer District, Town of Brighton, to be filed in the Town Clerk's Office in the Town of Brighton, County of Monroe, State of New York, and that:

1) The total assessed valuation of the real property within the parcel of the said district extension is $170,000.

2) The aggregate assessed valuation of the real property therein owned by the signers of said petition is $170,000.

3) Said petition purports to be signed by the owners of more than one-half (1/2) the value of the real property within the area of the proposed extension of the district.

All as appears from the 2014 Assessment Roll, which is the latest completed assessment roll of the Town of Brighton, County of Monroe, State of New York.

In witness thereof I have hereunto set my hand on this 2nd April, 2015.

Elaine K Ainsworth

Elaine K. Ainsworth, IAO
Assessor
Town of Brighton

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: ER-4-15 **Date:** April 22, 2015

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Brighton Town Board, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Extension #100 to the Brighton Consolidated Sewer District

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action: Create Extension #100 to the existing Town of Brighton Consolidated Sewer District to include real property located at 59 Collingsworth Drive, while connecting into the existing sanitary sewer force main that is owned and operated by the Town of Penfield through the construction of certain sanitary sewer improvements including a single family residential pump station, sewer lateral, force main and appropriate appurtenances to halt the back flow of wastewater from the Town of Penfield force main to the residence.

Location: 59 Collingsworth Avenue

Reasons Supporting This Determination:

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant and the Criteria for determining significance in the SEQR regulations (6 N.Y.C.R.R. Section 617.11), the Town Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

1. The requirements of the State Environmental Quality Review Law have been complied with.

2. Extension of the Brighton Consolidated Sewer District to include 59 Collingsworth Avenue will not create any significant adverse impacts, and may prevent impacts that could have occurred in the absence of the connection.

3. There will be no resources of value irreversibly lost.

For Further Information:

Contact Person: Ramsey A. Boehner, Environmental Review Liaison Officer

Address: Town of Brighton
2300 Elmwood Avenue
Rochester, N.Y. 14618

Telephone: (585) 784-5250

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Extension #100 to the Brighton Consolidated Sewer District

Project Location (describe, and attach a location map):
59 Collingsworth Drive off of Lafayette Parkway in the Town of Brighton

Brief Description of Proposed Action:
Create Extension #100 to the existing Town of Brighton Consolidated Sewer District to include real property located at 59 Collingsworth Drive, while connecting into the existing sanitary sewer force main that is owned and operated by the Town of Penfield through the construction of certain sanitary sewer improvements including a single family residential pump station, sewer lateral, force main and appropriate appurtenances to halt the back flow of wastewater from the Town of Penfield force main to the residence.

Name of Applicant or Sponsor:	Telephone: 585-784-5224
Chad Roscoe, Town of Brighton DPW	E-Mail: chad.roscoe@townofbrighton.org

Address:
2300 Elmwood Avenue

City/PO:	State:	Zip Code:
Rochester	NY	14618

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? .53 acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☑	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☑	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: NA	NO ☐	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☑	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☑	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☑	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☐	☑	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☐	YES ☑	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☑ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☑	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☑	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	NO ☑	YES ☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES			

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

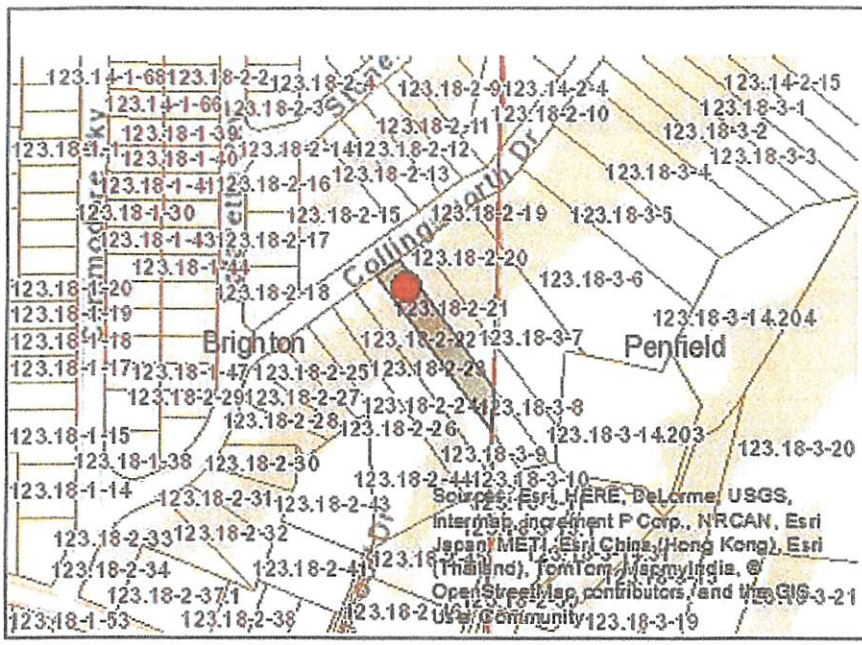
Applicant/sponsor name: Chad Roscoe, Town of Brighton DPW Date: 3/24/15

Signature: Chad Roscoe

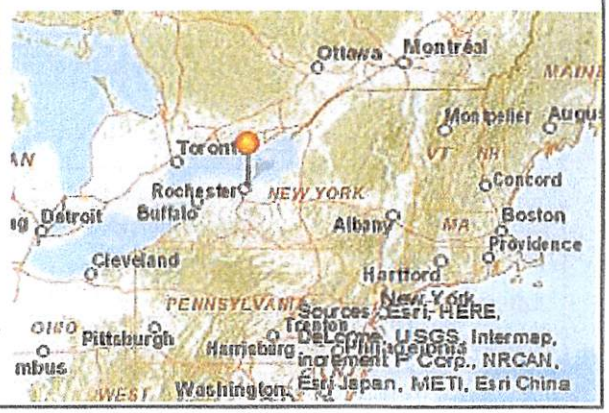
PRINT FORM

EAF Mapper Summary Report

Tuesday, March 24, 2015 11:36 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☐	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☐	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☐	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: _____ Date: _____

Signature: _____

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Brighton Town Board	March 24, 2015
Name of Lead Agency	Date
Ramsey A. Boehner	Environmental Review Liaison Officer
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Ramsey A. Boehner	Cindy Rose
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 22nd day of April, 2015.
PRESENT: WILLIAM W. MOEHLE, Supervisor; JAMES R. VOGEL, LOUISE NOVROS, CHRISTOPHER K. WERNER, JASON S. DIPONZIO, Councilpersons
RESOLVED, that correspondence dated April 16, 2015 from Town Junior Engineer Chad Roscoe, together with April 2, 2015 correspondence from Town Assessor Elaine K. Ainsworth, a draft Negative Declaration dated April 22, 2015 and Short Environmental Assessment Form and supporting documents prepared pursuant to the State Environmental Quality Review Act and a petition dated February 19, 2015 all submitted in support of Extension #100 to the Brighton Consolidated Sewer District relating to property in the Town of Brighton located at 59 Collingsworth Drive, be received and filed; and be it further
RESOLVED, that the Town Board hereby sets a public hearing to consider the proposed Extension #100 to the Brighton Consolidated Sewer District for May 27, 2015 at 7:30pm or as soon thereafter as the matter may be heard, to be held at Brighton Town Hall, 2300 Elmwood Avenue, Town of Brighton, County of Monroe and State of New York, and that the Town Board further directs the Clerk of the Town to post and publish such notice of the above public hearing as is required by law.
Dated:
April 22, 2015
Daniel Aman,
Brighton
Town Clerk
My 14
02548840

STATE OF NEW YORK
Ontario County

STATE OF NEW YORK
Monroe County

Leslie Smith being duly sworn, deposeth and saith that she
is the bookkeeper for
BRIGHTON-PITTSFORD POST
Newspaper
Published in the Town of Pittsford, County of Monroe and State of New York
A foresaid and that a notice of which the
Annexed is a printed copy, was published in the said
Paper once in each week
MAY 14, 2015
ENDING ON
MAY 14, 2015

Leslie Smith
Foreman of the Publisher
Subscribed and sworn on before me,
This 15TH day Of MAY 2015

Karen J.M. Congilaro
Notary Public, State of NY

KAREN JM CONGILARO
Notary Public, State of New York
Ontario County Reg. #01CO6132864
Commission Expires 06/10/ 2016

Legal # 02548840

EXHIBIT NO 2

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 27th day of May, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

WHEREAS, a petition, dated April 2, 2015, was previously received and filed in support of Extension #1 to the Westerloe Avenue Refuse District relating to property located at 116 Westerloe Avenue in the Town of Brighton for the purpose of providing refuse service to the subject property; and

WHEREAS, a public hearing was duly called and held in such matter on May 27, 2015; and

WHEREAS, the Town Board, as lead agency under SEQRA has given due deliberation to the matter and has determined that the proposed action will not have a significant effect on the environment; and

WHEREAS, the evidence offered at such public hearing requires that the Town Board make the determinations made herein;

NOW THEREFORE, BE IT ORDERED, that it be and hereby is determined as follows: (1)that said petition is signed and acknowledged or authenticated as required by law and is otherwise sufficient, and that the petition complies with section 191 of the Town Law; (2) that all property and property owners within the extension are benefited thereby; (3) that all property and property owners benefited by the proposed extension are included within the limits of the proposed extension; (4) that it is in the public interest to grant the relief sought therein; and be it further

ORDERED that the Town as Lead agency under SEQRA hereby adopts the proposed Negative Declaration under the State Environmental Quality Review Act with respect to said proposed extension, and be it further

ORDERED, that the said petition requesting that Westerloe Avenue Refuse District Extension # 1 be established be, and the same hereby is, granted, with the costs thereof to be charged on a benefits derived basis; and be it further

ORDERED, that the Town Clerk be, and hereby is directed to record a certified copy of this Order in the office of the Clerk of the County of Monroe within ten days after the adoption of this Order.

Dated: May 27, 2015

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

STATE OF NEW YORK
Ontario County

STATE OF NEW YORK
Monroe County

Leslie Smith being duly sworn, deposeth and saith that she
is the bookkeeper for
BRIGHTON-PITTSFORD POST
Newspaper
Published in the Town of Pittsford, County of Monroe and State of New York
A foresaid and that a notice of which the
Annexed is a printed copy, was published in the said
Paper once in each week
MAY 14, 2015
ENDING ON
MAY 14, 2015

Leslie Smith
Foreman of the Publisher
Subscribed and sworn on before me,
This 15TH day Of MAY 2015

Karen J.M. Congilaro
Notary Public, State of NY

KAREN JM CONGILARO
Notary Public, State of New York
Ontario County Reg.#01CO6182864
Commission Expires 03/10/ 2016

Legal #02548842

Tickets are $25
Brass will provi
Robert Mixon, f
speaker retired
at noon, follow
MOEHLE,
Supervisor;
JAMES R.
VOGEL,
LOUISE
NOVROS,
CHRISTOPHER
K. WERNER,
JASON S.
DIPONZIO,
Councilpersons
RESOLVED, that
correspondence
dated April 16,
2015 from Town
Junior Engineer
Chad Roscoe, to-
gether with April
16, 2015 corre-
spondence from
Town Assessor
Elaine K. Ains-
worth, a draft
Negative Declara-
tion dated April
22, 2015 and
Short Environ-
mental Assess-
ment Form and
supporting docu-
ments prepared
pursuant to the
State Environ-
mental Quality
Review Act and a
petition dated
April 2, 2015 all
submitted in sup-
port of Extension
#1 to the Wester-
loe Avenue Re-
fuse District relat-
ing to property in
the Town of
Brighton, located
at 116 Westerloe
Avenue, be re-
ceived and filed;
and be it further
RESOLVED, that
the Town Board
hereby sets a
public hearing to
consider the pro-
posed Extension
#1 to the Wester-
loe Avenue Re-
fuse District for
May 27, 2015 at
7:30pm or as
soon thereafter
as the matter may
be heard to be
held at Brighton
Town Hall, 2300
Elmwood Ave-
nue, Town of
Brighton, County
of Monroe and
State of New
York, and that the
Town Board fur-
ther directs the
Clerk of the Town
to post and pub-
lish such notice of
the above public
hearing as is re-
quired by law.
Dated:
April 22, 2015
Daniel Aman,
Brighton
Town Clerk
My 14
02548842

EXHIBIT NO. 3

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING — May 27, 2015

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	$	290,272.18
D - HIGHWAY		98,515.80
H - CAPITAL		721.34
L - LIBRARY		65,998.34
SF - FIRE DIST		198,948.45
SS - SEWER DIST		22,051.15
TA - AGENCY TRUST		37,734.54
TE - EXPENDABLE TRUST		169.99
TOTAL	$	**714,411.79**

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

EXHIBIT NO 4

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 27th day of May, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated May 15, 2015 from Ramsey A. Boehner, Town Planner, correspondence dated May 15, 2015 from Jerry A. Goldman, Esq, and correspondence dated May 15, 2015 from Michael P. Mantalto of Costich Engineering, P.C. Inc. together with a Supplemental State Environmental Review Report, dated May 15, 2015 including a full Environmental Assessment Form and other documents more fully described in the correspondence from Mr. Montalto, all relating to the redevelopment of the Clover Lanes site on Monroe Avenue in the Town of Brighton, be received and filed; and

BE IT RESOLVED, that the Town Board hereby designates Ramsey A. Boehner, Town Planner to coordinate the environmental review of the proposed project and to seek Lead Agency status under the State Environmental Quality Review Act on behalf of the Town Board.

Dated: May 27, 2015

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

May 20, 2015

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

Re: Application of Daniele Family Companies
Incentive Zoning

Honorable Supervisor and Members:

I recommend that your Honorable Body:

1. Receive and file this communication;

2. Receive and file the attached amended letter of intent prepared and submitted by Jerry A. Goldman, dated May 15, 2015;

3. Receive and file the attached SEQR Documentation Report, prepared by Costich Engineering, dated May 15, 2015; and

4. Authorize 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.

Respectfully Submitted

Ramsey A. Boehner
Town Planner

cc: T. Keef

attachments

700 Crossroads Building
2 State Street, Rochester, New York 14614
P 585.987.2800 F 585.454.3968

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Buffalo, New York 14202
P 716.248.3200 F 716.854.5100

May 15, 2015

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

Re: Application of Daniele Family Companies
Incentive Zoning
AMENDED LETTER OF INTENT

Dear Board Members:

This office has been retained by the Daniele Family Companies and their affiliated entities (the "applicant") to assist them in obtaining the municipal approvals required for an exciting redevelopment project proposed on Monroe Avenue in the Town of Brighton to be known as Palazzo Plaza. This letter is submitted to request Incentive Zoning approval be granted, pursuant to Chapter 209 of the Town of Brighton Code, to facilitate the development.

This Amended Letter of Intent is designed to supersede the original Letter of Intent dated February 18, 2015 to provide updated information based upon public input garnered through our neighborhood meeting and public processes since the original application. Delivered with this letter are:

1. A submission from SRF & Associates with traffic analysis on a couple of fronts:
   a. The full traffic impact analysis submitted to the New York State Department of Transportation and the Monroe County Department of Transportation. We have gotten initial comments from MCDOT, but have yet to receive NYSDOT comments.
   b. An access management plan for the south side of Monroe Avenue, with discussion on the SRF cover letter.
2. A submission from Costich Engineering, including:
   a. An updated Full Environmental Assessment Form (FEAF).
   b. A revised lighting plan.
   c. An expanded engineers report covering drainage and other issues.

PROPERTY LOCATION

The properties proposed to be redeveloped as Palazzo Plaza are the current Mario's Italian Restaurant parcel (at 2740 Monroe Avenue, with tax identification number 137.19-2-70.32), the Clover Lanes bowling parcel (at 2750 Monroe Avenue, with tax identification number 150.07-2-8.11), the Mamasan's Restaurant parcel (at 2900 Monroe Avenue, with tax identification number 150.07-2-7.1),

and a 2.2 +/- acre portion of land behind the Mario's and Clover Lanes parcels, which is part of the lands of the First Baptist Church (at 175 Allens Creek Road, with tax identification number 137.190-2-68.1). The applicant maintains ownership over the Mario's and Clover Lanes parcels and has the other properties under contract to purchase. The existing Mario's, Clover Lanes and Mamasan's buildings will be demolished for the proposed comprehensive redevelopment of the site.

The properties on Monroe Avenue are split zoned. The site includes 7.3 +/- acres located in the BF-2 General Commercial Zoning District and 2.8 +/- acres located in the RLA Residential- Low Density District adjacent to the north. Of the 2.8 acres in the RLA District, a 2.2 acre area will be acquired from the First Baptist Church ("Church"). The lands to be acquired from the Church extend to Clover Street. Only a limited portion of this RLA property immediately adjacent to the Mario's and Clover Lanes parcels are proposed to be developed. The RLA zoning is proposed to be maintained.

NEIGHBORHOOD HISTORY

The Monroe Avenue corridor between Clover Street and I-590 is an important commercial district and gateway into both the Towns of Brighton and Pittsford. The area is currently in transition, with some parcels recently redeveloped or vacant, and extensive transportation improvements completed in 2015. The area is characterized by aging buildings, a lack of vehicular cross-access, numerous curb cuts onto Monroe Avenue, and segmented parking. The current disjointed design of the corridor is incongruous with the importance and value of this area of Monroe Avenue to the community.

The Mario's Italian Restaurant was built in 1995 on a 2.4 +/- acre parcel. The restaurant has been very successful in this location, but has outgrown the property. To accommodate increased parking demand, approximately 15 years ago, the parking lot was expanded onto the First Baptist Church property. Although the expanded parking lot is necessary to the business, it encroaches into the RLA District, a condition which will be resolved in connection with the proposed redevelopment.

Clover Lanes Bowling Center sits on 4.5 acres immediately adjacent to and east of Mario's. Clover Lanes was built in 1951, and has operated successfully despite a decline in the recreational bowling business over time. The building contains an arched wood truss roof system that has been repaired through the years, but has far exceeded its useful life. Roof replacement is cost prohibitive for the current use as a bowling alley. The building is lacking in architectural character.

Mamasan's Restaurant is located on a 1.2 acre property east of the Clover Lanes parcel. The building has housed different restaurants over the years. It had operated as a Perkins Restaurant for over 20 years, became a Denny's Restaurant for the next decade, and then was converted into its current use as Mamasan's. Mamasan's is seeking to relocate to a smaller and more suitable space for its needs.

The First Baptist Church borders the Mario's and Clover Lanes Plaza properties to the north on approximately 10 +/- acres. The Church sits at the southeast corner of Clover Street and Allen Creek Road. The Church has approximately 2.2 acres of excess undeveloped residential land which is disjointed from its main property by a neighboring residence along Clover Street. Part of the excess space is wooded and serves as a buffer between the residential neighborhood on Clover Street, and the

existing commercial activity of the Mario's and Clover Lanes parcels, and Monroe Avenue. The sale of the land by the Church will generate proceeds for much needed capital improvements and ensure the continued use of its Clover Street frontage as an undeveloped buffer.

An important asset included in the project is a trail, which crosses the properties and is part of a trail system which extends from the Village of Pittsford, through the Town of Pittsford, the Town of Brighton and into the City of Rochester. While parts of the trail are regularly used by walkers and cyclists, that portion of trail which crosses the subject properties was never improved or used, and is currently used by RG&E as a maintenance road.

THE PROPOSAL

The applicant proposes to redevelop the properties as Palazzo Plaza, a lifestyle center anchored by a 50,000 sq. ft. natural and organic foods market/grocery, shown on the conceptual site plan as Building A. The proposed development includes a new 34,000 square ft. retail plaza building (Building B), and two outparcel buildings (Buildings C and D). The existing buildings will be demolished for the cohesive redevelopment of the site. One of the outparcels (Building C) is anticipated to include a specialty coffee shop with a drive through. The other outparcel is contemplated as potentially a bank, with drive through and automated teller machine likely (Building D).

The proposed project will significantly upgrade the property and this important gateway to the Town of Brighton. An exciting food market anchor, attractive architecture, and cohesive design will help to update and transform this section of Monroe Avenue. The proposal will include quality design and architecture, with architecture contemplated to be consistent with the anchor tenant, including use of regional materials and a waste management plan that will look to re-use a significant amount of the material from the existing buildings. Light colored roof systems and use of concrete in certain areas will mitigate the "heat island" effect associated with parking lots. Additionally, more trees and vegetation and proposed within parking areas. The current trail running through the property is proposed to be improved, slightly relocated, and incorporated into the development. Proximity to the trail will provide new pedestrian connections between the retail and residential neighborhoods. At the same time, the proposal provides for permanent protection for the adjacent residential neighborhood, maintaining buffering and separation. The trail will separate the residential and commercial areas.

Pedestrian access is incorporated in the plan, providing access to the site for pedestrians and bicycles (the plaza will also include bicycle racks). The pedestrian friendly development will enhance the neighborhood by improving walkability and fostering neighborhood business. The applicant also proposes to address safety on the trail by separating vehicle traffic from pedestrian and bicycle activity on the trail. The project will create new pedestrian connections, consolidate parking, and improve vehicular access to and from Monroe Avenue. Pedestrian connections and way-finding signage will also be incorporated internal to the development.

The new lifestyle center design will also improve vehicular access and circulation. A new traffic signal with crosswalk will be installed on Monroe Avenue. The anticipated location will align the Clover Lanes property and the Sakura Home restaurant. The existing curb cut at the Mamasan's

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property will be eliminated. The signal location will be dictated by the New York State Department of Transportation (NYSDOT), which maintains jurisdiction over Monroe Avenue. Multimodal transportation improvements, in cooperation with the Rochester Genesee Regional Transportation Authority are contemplated. Included in the development will be electronic vehicle charging stations, dedicated spots for HOV (high occupancy vehicles) and LEV (low emission vehicles). The developer is committed to work with an independent traffic consultant, if hired by the Town, on internal and external transportation issues.

The proposed food market building incorporates sustainability. The design will respect the local landscape. Recycled materials from the Clover Lanes building, including wood from bowling lanes and timber from the roofing system, will be incorporated into the building. The natural and organic foods market/grocery building will be constructed to silver LEED standards and incorporate architectural features and materials appropriate to the Rochester area. The two outparcel buildings and retail plaza building will be designed to complement the new food market, providing an architectural theme for the development.

In addition to the amenities of this project, which are set forth on pages 5 and 6 below, this development provides substantial public benefits. Among them are:

1. Fulfilling the Vision of the Monroe Avenue Corridor Plan. The Monroe Avenue Corridor Plan has a number of distinct elements which are being addressed by this plan. Those elements are both aesthetic in nature (dealing with placement of buildings) and safety-related (relative to Monroe Avenue access). Project design has incorporated the goals of the Corridor Plan.

2. Diversity of Retail Offerings within the Town of Brighton. The addition of a natural and organic foods market/grocery is of substantial benefit to the residents of the Town of Brighton. At present, the Town is home to a Tops Market on South Clinton Avenue, several pharmacies selling some grocery items and occasional specialty or convenience type stores. Many residents do not have convenient access to a quality, full service grocery store in their community requiring residents to shop for groceries outside of the Town, such as at the Pittsford or East Avenue Wegman's stores. In addition, the lead tenant within the plaza enhances the possibility of bringing new and upscale retailers to the remainder of the Center. There is a natural following of the lead tenant and some of those prospective tenants are in discussions with the developer.

3. Tax Revenues. The proposed development will generate a significant increase in tax revenues. The yearly taxes currently generated are $190,600 plus or minus and includes tax exempt property. The future projected taxes (using current tax rates) are expected to be $483,300.

4. No COMIDA. While this property may be eligible for a payment in lieu of taxes (PILOT) Agreement and substantial benefits under programs sponsored by the County of Monroe Industrial Development Agency the applicant has committed that they will, in accordance with the Town of Brighton's preference, forgo any request for such benefits.

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APPROVALS NECESSARY

We anticipate the following approval process to be required for the Palazzo Plaza Development:

1. **Incentive Zoning Approval**. Incentive Zoning approval is required from the Town Board in accordance with Chapter 209 of the Town of Brighton Code.

2. **Planning Board, Architectural Review Board, and Historic Preservation Commission Approvals**. The Planning Board would have jurisdiction for site plan approval, and subdivision approval (to combine the subject properties, create a separate lot for the remaining church property and create internal lots for financing and tax allocation purposes – all depicted on the "Bulk Data Lot Plan" attached to this letter.) Several of the proposed uses, including the food market / grocery store, coffee shop, bank, drive through parts of the operations, automated teller machines, and outdoor seating, are all conditionally permitted uses per Code. While we are requesting that these uses be permitted as an incentive in this incentive zoning application, the Planning Board would otherwise have conditional use permit approval authority. The Architectural Review Board would also have jurisdiction over the exterior design of the buildings and signs under the Town Code. The Historic Preservation Committee reviews all demolition requests to confirm that the property being demolished has no historic or architectural significance.

INCENTIVE ZONING APPLICATION

Incentive Zoning is regulated by Chapter 209 of the Town of Brighton Code. The purpose and the intent of the Code provisions are to provide a vehicle whereby an applicant can request certain "incentives" (relief from Town Code provisions), in exchange for certain "amenities" (public benefits offered by the applicant). Specifically, Section 209-5(1A) sets for the information to be provided by the applicant in conjunction with an Incentive Zoning Application. Those four (4) subsections are addressed below:

1. **The Proposed Amenity**. Typically, amenities address specific infrastructure or development needs or improvements in the area of the proposed development project. Several such amenities of benefit to the community are offered as part of the application, as further illustrated on the concept site plan submitted with the application. We estimate the value of the amenities to be in excess of $265,000, before including on-going maintenance costs for certain amenities, as described below (for the trail and traffic signal).

   a. Pedestrian and Bicycle Access. The amenities offered by the applicant include improvement and slight relocation of the existing trail across the development site to make it accessible, safe, and inviting for public use. The proposal includes delineating the trail, improving its condition, and maintaining it. Vehicular traffic is proposed to be separated from the trail to create a safe and pleasurable experience for those who wish to use the trail. The trail will also be connected to the proposed development via sidewalks throughout the

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site, with bike racks within the center. A proposed traffic signal and crosswalk (another amenity described below) will afford trail goers safe crossing and access to the south side of Monroe Avenue. The estimated value of this amenity is approximately $65,000, plus the estimated annual cost of maintaining the trail of $1,200.

b. Traffic Signal. The anticipated traffic generation and potential traffic related impacts for the proposed development have been evaluated by the applicant and discussed with the NYSDOT. The applicant proposes to install and pay for the maintenance of a traffic signal to be located as shown on the site plan, together with other traffic improvements (including a right out and ingress in located where Mario's restaurant currently has its primary access). The signalized intersection will offer an opportunity for additional traffic calming, access management and cross access along Monroe Avenue. One curb cut on the north side of Monroe Avenue, being the driveway for the current Mamasan's Restaurant, will be removed. The signal location, dictated by the NYSDOT, proposes to line up at the existing Clover Lanes and the Sakura Home restaurant on the south side of Monroe Avenue. The signal will serve traffic for the new Palazzo Plaza development, and, as a part of this Incentive Zoning proposal, the applicant has actively engaged property owners of the south side of Monroe Avenue to design and construct cross-access between parcels on the south side of Monroe Avenue to utilize the new traffic signal. Access to a traffic signal would provide a significant economic benefit to these neighboring properties and businesses, and would help to address traffic issues related to this part of the Monroe Avenue corridor. Another important aspect of this amenity is the developer's commitment to addressing a long standing access management issue on the south side of Monroe Avenue. An access management plan will be developed by the developer, it will seek review by the NYSDOT and the Town of Brighton for their adoption as a master access management plan including the 5 parcels (Dunkin Donuts, Sakura Home, the former Pizza Hut, Comfort Inn and the former Friendly's). The developer is in the process of acquiring excess NYSDOT property to the south of the parcels to include additional space for parking and a cross access road. This excess property is intended to be purchased by each adjacent property owner, funded by the developer and the developer handling the actual acquisition. The developer, limited by the owner's desires to make such changes to their parcels, is committed to funding and therefore executing the fulfillment of the Access Management Plan. The cost of the traffic signal and improvements are estimated at this point to be $200,000 to $250,000, which amount will be borne by the applicant. While some of these costs fall under the category of traffic mitigation, the efforts of the developer go well beyond that and the value of amenity (above and beyond immediate traffic mitigation) is valued at $100,000 to $125,000, plus a portion of the ongoing annual cost maintenance of the traffic signal of approximately $1,800.

c. Preservation of Passive & Active Open Space. The applicant will acquire approximately 2.2 +/- acres of lands from the First Baptist Church, a small portion of which is needed and incorporated into the development site, as shown on the concept site plan. The property is in the RLA Zoning District and is adjacent to the BF-2 District. The property fronts on Clover Street and backs to the Mario's and Clover Lanes parcels. While the Church has

contemplated the potential development or use of its excess property over the years, selling the property for the proposed development will provide the Church with much needed funds to complete capital improvements that would not be possible without this sale, thus posing a hardship to the Church and its congregation.

The applicant proposes to preserve the bulk of the 2.2 +/- acres to be acquired from the Church, fronting on Clover Street as undeveloped open space. This area may be dedicated as a Conservation Easement. This land will serve as a substantial forested buffer between the commercial development and adjacent residential uses. Another potential benefit to be further explored is improved storm water management for the Clover Street area. The remaining area of the property adjacent to the Palazzo Plaza is proposed to be incorporated in the development site to accommodate necessary parking and paved areas. The proposed trail described above will separate the proposed development from the open space and residential development. The value of the amenity is estimated at $100,000, exclusive of any drainage benefits to the community.

2. **The cash value of the proposed amenity**. The cash value of the proposed amenity is discussed above.

3. **A narrative, which**:

   a. Describes the benefit to be provided to the community by the proposed amenity. The benefits to the community are discussed above.

   b. Gives preliminary indication that there is adequate...(infrastructure)...to handle the additional demands of the incentive.... There is adequate infrastructure for the proposed incentives. A conceptual utility plan has been submitted to demonstrate adequate storm water, sanitary and water service for the development. The proposed development offers benefits to the community, including the addition of traffic signal on Monroe Avenue, and the development of the trail across the property. Adequate parking is provided for the development. The property is also accessible by public transportation. A concise engineering narrative entitled "adequacy of utility infrastructure" is attached.

   c. Explains how the amenity helps implement the....policies of the Comprehensive Plan, as supplemented by local laws and ordinances... The proposed amenities helps implement and advance the policies of the Comprehensive Plan, the Town of Brighton Monroe Avenue Corridor Community Vision Plan- Monroe Avenue East End (between Town of Pittsford and 590 called the "Corridor Vision Plan"), the Town of Brighton Monroe Avenue Design Guidelines (adopted 1999) (called "Design Guidelines") and the Town of Brighton Code. There is substantial support for the proposed amenities in all of these documents.

The Comprehensive Plan calls for trail improvements and open space, and for encouraging the upgrading, beautifying and revitalization of existing commercial areas. These amenities are offered and will have significant public benefit.

The Corridor Vision Plan recognizes that this area is difficult and dangerous for pedestrians to navigate and the need for pedestrian and bicycle friendliness and connections, improving sidewalks and crossings, and enhancing commercial areas to provide cohesion. It also recognizes the benefit of shared parking and cross-access, and the need to reduce curb cuts in this area. The amenities provide these benefits.

The Design Guidelines also recognizes the issues presented by the need for parking and number of curb cuts on Monroe Avenue, as causing hazardous conditions for pedestrians and motorists and contributing to vehicular circulation problems resulting in traffic congestion on the street. An objective is to reduce the size and number of curb cuts to improve safety, increase off-street parking and expand open space. The Design Guidelines call for adjacent parking lots to have internal vehicular and pedestrian connections, for internal vehicular circulation patterns that improve pedestrian and vehicular accessibility and safety, and for contiguous networks of pedestrian walkways extending from building entrances to sidewalks. Provisions of the Town Code similarly address requirement of cross-access and access management. The proposed amenities are consistent with these goals for traffic safety, cross-access and access management.

4. **The Proposed Incentives**. The proposed incentives for the proposed development are identified on the overall concept site plan enclosed with the application, on the "Palazzo Plaza Bulk Data Summary" attached to this letter and described further below. The property along Monroe Avenue has long been zoned and developed as commercial property. The incentives relate primarily to dimensional deviations from the Code, in large part dictated by the split zoning of the development parcel. The addition of a small portion of RLA zoned land to the northern portion of the site (behind the current Mario's and Clover Lanes properties) generates the need for a use incentive to allow commercial improvements and activity to extend into this small area of the adjacent RLA District. Other use incentives proposed relate to conditional permit uses which carry a favorable legal presumption of being permitted and in harmony with the neighborhood. To that end, the incentives seek to avoid unnecessary duplication in the review process.

a. Use. The lands to be acquired from the Church are located in the RLA Zoning District. Limited activities involving parking and access are proposed to extend onto the property to be acquired from the Church. While commercial uses are not generally permitted in the RLA District, pursuant to Code Section 201-9(A)(3), the commercial use is permitted to encroach into the residential district by 30 ft. The proposed incentive is to permit commercial development to extend slightly into the RLA District beyond the permitted 30 ft. zone. Notwithstanding this fact, the remaining approximately 1 +/- acre block of land extending between the Palazzo Plaza development and Clover Street is proposed to remain undeveloped open space between the commercial and residential areas.

The bulk of the property is located in the BF-2 District. The identified proposed uses include a food market, a specialty coffee shop/restaurant, and a bank. The coffee shop and bank require drive through operations, and the bank would typically require an ATM. Outdoor seating may be desired by the restaurant and/or food market. All of these uses are

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conditional permit uses in the BF-2 District. A proposed incentive is to waive the conditional use permit requirement these uses, as these uses will be thoroughly reviewed as part of both the incentive zoning application by the Town Board and site plan approval process by the Planning Board. This request is not designed to avoid scrutiny by the Town Board or the Planning Board, but only to confirm that the proposed use of the property is permitted as part of this overall Incentive Zoning package.

b. Drive Through Location. The proposed development includes drive through operations for a specialty coffee shop and for a bank. Pursuant to Code Section 207-14.3, drive through operations shall not be located in the front yard. A proposed incentive is to allow the proposed drive throughs to be located in the front yard. This relief is appropriate and necessary for the development of the coffee shop as an outparcel in the larger shopping center. While not clearly necessary for the bank, this need may change during the review process as the site plan and on-site traffic is reviewed. The layout of the site is constrained largely by the placement of the traffic signal. The visibility of the drive through is in keeping with the nature of development along this portion of Monroe Avenue, which includes a new Dunkin Donuts with a drive through on the south side of Monroe Avenue.

c. Signs. Town Code Section 207-32 allows limited business identification and directional signage. Section B allows a single attached sign on the principal building entrance. The total area of the business identification sign permitted may not exceed 10% of the first-floor area of the building face or 150 square ft., whichever is less. A requested incentive is to allow a sign package which is designed to meet the needs of the individual businesses for signage in the context of the business plaza, with visibility from both Monroe Avenue and internal to the plaza. The sign package will exceed the amount permitted by Code and include: (1) signage on multiple building faces (for the food market and outparcel buildings), (2) appropriate drive through signage, which typically requires specialized signage (such as a menu sign), (3) an attractive monument sign identifying the plaza and tenants. Tenant signage may include logos as part of the tenant signage., (4) signage greater than 150 square feet on Building 1, (5) logo greater than 25% of any individual sign., and (6) additional signage contained in a sign package to be provided in final form to the Town Board prior to the scheduling of the public hearing on the Incentive Zoning application. A preliminary "Palazzo Plaza Sign Package" chart and accompanying plan is attached.

d. Bulk Requirements. In respect to bulk requirements, among the requested incentives are relief with respect to several building setbacks, lot coverage, density, and pavement setbacks, as detailed on the conceptual site plan and on the "Palazzo Plaza Bulk Data Summary" attached to this letter. Calculations in this area reflect the split-zoning of the site. Bulk requirement for the BF-2 were applied to the BF-2 area, and requirements applicable to the RLA are applied to the RLA area. As depicted on the "Palazzo Plaza Bulk Data Summary" attached, we are in conformance with the preponderance of the bulk requirements under Code.

Where the Code requires a front setback of 60 feet, the proposal is for Building A to have front setback of 5 feet on Monroe Avenue and Buildings B and C to have a front setback of 24 feet. Where the Code requires a side setback of 10 feet, a side setback of 9 feet is proposed on the west side of Building A and on the east side of Building B. In addition, the Code requires a rear yard abutting a residential district to be 60 feet. The rear yard meets the Code at 62 feet, but reflects a permitted encroachment of the commercial parking into the residential district.

With respect to impervious surface, Code provides for a maximum of 65 feet. The proposed lot coverage in the BF-2 portion of the site is 91% (roughly the same as currently exists). Code provides for a maximum density of 10,000 square feet per acre in the BF-2 District. The proposed density, applied to the BF-2 portion of the site, is 13,384 square feet per acre for Lot 1 and 12,096 square feet per acre for Lot 2. These numbers reflect the exclusion of the RLA lands in the calculations.

The proposed incentives include relief from pavement setback regulations of the Town Code applicable to the BF-2 and RLA Districts to allow the proposed pavement setbacks of 13 feet on Lot 1 and 8 feet on Lot 2. Parking in the front yard is also proposed for the development along Monroe Avenue. Rear yard paved areas of 5 feet on the BF-2 part of Lot 1 and 0 feet on the BF-2 part of Lot 2, as well rear yard parking areas of 64 and 61% on the residentially zoned portion of the 2 development lots in lieu of the 35% maximum under Code, are occasioned by the pavement approaching or crossing the zoning line. Finally, the portion of Lot 2 which is zoned residential requires an incentive because it would be a substandard lot (19,832 square feet as opposed to 23,125 square feet) if it were a freestanding residential lot (which it isn't).

Relief from drive through stacking to allow 113 feet in lieu of the 120 feet required by Code is requested. Inasmuch as no loading berths are deemed necessary Lot 2 users, we are requesting relief allowing us to have no loading berths on Lot 2 (we have the requisite 3 loading berths on Lot 1).

In respect to the First Baptist Church, the proposed subdivision will not create non-conformities. It is noted that the existing setback on Allen Creek is non-confirming and will remain so. Where Code requires a front setback of 100 ft., the existing is 59.4 ft. and will remain so.

With regard to the bulk requirements, the requested incentives are based upon the conceptual site plan being reviewed by the Town Board. It is common that there are changes to the final approved plan as a result of Town reviews. Accordingly, the applicant is requesting that the Planning Board be given reasonable discretion to adjust the bulk amenities to accommodate changes as a result of its review process of the preliminary and final site plan, in the interests of arriving at the best plan for construction.

e. Fence. Code Section 203-84(C) indicates that a 6 ft. solid fence is required along any lot line abutting residential zoning. A solid fence would be undesirable and inappropriate for this project. A solid fence would encumber public use, access, and visibility of the trail. Accordingly, we request that this requirement be waived.

STATE ENVIRONMENTAL QUALITY REVIEW ACT

As with all real estate development projects which require Town approval, compliance with the New York State Environmental Quality Review Act (SEQRA) is required. The proposal is classified as an Unlisted Action for purposes of SEQRA. We have submitted a full Environmental Assessment Form and supplements with this application. It is anticipated that the environmental review will commence after the referral of the application to, and report from, the Planning Board, at which time it is anticipated that the Town Board will seek (and receive) lead agency status to conduct a coordinated environmental review for this project and schedule a public hearing for the application.

Once a lead agency is established, the threshold determination to be made is whether the project "will have no significant adverse environmental impact" (resulting in a negative declaration) or that the project "may have a significant adverse environmental impact" (resulting in a positive declaration).

A negative declaration concludes the formal environmental review process under SEQRA (although consideration of elements related to the environment and the project itself continue throughout the application process). A positive declaration results in the requirement of the preparation of an Environmental Impact Statement (with many procedural steps, many of them time consuming).

The applicant will be providing supplemental reports and information to be proactive in its effort to provide the Town sufficient information to make the appropriate environmental findings.

The Daniele Family Companies development team looks forward to presenting the proposed Palazzo Plaza development and this Incentive Zoning application to you. If any Board member has any questions or requires any additional information, please do not hesitate to contact me at any time.

Very Truly Yours,

WOODS OVIATT GILMAN LLP

Jerry A. Goldman

Please direct responses to Rochester Office

JAG/mxm
Enclosures

COSTICH
ENGINEERING, P.C.

Project No. 5648

May 15, 2015

Mr. Ramsey Boehner
Town Planner
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

Re: Palazzo Plaza, Monroe Avenue
Incentive Zoning Application Supplemental Information

Dear Ramsey:

In furtherance of the Incentive Zoning Application for the Palazzo Plaza project we are submitting supplemental materials for your review.

On behalf of our client Merdanth Enterprises, Inc. and Woods Oviatt Gilman, LLP we have compiled a SEQR Documentation Report which provides additional information regarding the proposed project.

The SEQR Documentation Report contains the following elements:

1. Full Environmental Assessment Form (FEAF) for the project
2. Regional Resource Mapping
3. Town of Brighton Resource Mapping
4. Drainage Calculations
5. Water Distribution
6. Site Lighting
7. Traffic
    a. SFR Associates TIS & Letter
    b. MCDOT Letter
    c. Conceptual Managed Access Plan
8. Signage Package

Sections 2 through 7 of the report are provided as supporting documentation to the FEAF.

Section 8 of the report is provided to provide additional detail and support to the signage materials submitted to date.

We have provided one paper copy of the report for your initial review. Additional paper copies of the report or electronic copies (CDs) can be provided as needed. Please let us know how many copies of the report the Town would like and we will have them provided to you.

Respectfully submitted,

Michael P. Montalto
COSTICH ENGINEERING

Cc: Anthony Daniele
Daniel Daniele
Jerry Goldman
Betsy Brugg

EXHIBIT NO. 5

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 27th day of May, 2015

PRESENT:

WILLIAM W. MOEHLE, Supervisor

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

WHEREAS, the University of Rochester ("University") owns a number of parcels of land in the Town of Brighton ("Town") generally described as follows (and as more particularly described in Schedule A attached hereto):

a parcel of land generally south of East River Road, west of West Henrietta Road, north of Crittenden Road and east of the former Lehigh Valley Railroad right of way, together with two parcels of land north of East River Road bisected by Kendrick Road, all together aggregating 180± acres (collectively the "IPD Lands"); and

WHEREAS, in connection therewith the University and the Town began discussions regarding the future zoning classification of the IPD Lands, to wit: the University proposed rezoning the IPD Lands to an Institutional Planned Development District ("IPD District") under Chapter 203 of the Town's Comprehensive Development Regulations ("CDR"); and

WHEREAS, by resolution on October 24, 2001, the Town Board adopted a Comprehensive Plan which generally included the recommendation for a possible future institutional use in the northern portions of the IPD Lands; and

WHEREAS, on August 11, 2004 the Town Board received and filed an Incentive Zoning/Rezoning Application (collectively, and as thereafter amended from time to time, "Incentive Zoning/Rezoning Application") from the University for incentive/rezoning of the IPD Lands from Residential - Low Density District ("RLB") to an Institutional Planned Development District ("IPD") under Chapters 203, 209 and 225 of the Town's Comprehensive Development Regulations ("CDR"); and

WHEREAS, the University thereafter decided to seek a rezoning of the IPD Lands to an IPD District, under the procedure known as Incentive Zoning, in accordance with the Town's Incentive Zoning Law (Chapter 209 of the CDR); and

WHEREAS, the Incentive Zoning/Rezoning Application anticipated a multi-decade buildout of the IPD Lands, with residential and non-residential buildings and uses (the "Project"); and

WHEREAS, the Town Board, in compliance with the New York State Environmental Quality Review Act ("SEQRA"), became the duly constituted lead agency thereunder and issued a positive declaration, triggering the need for the preparation of an environmental impact statement ("EIS"); and

WHEREAS, the Town Board referred the Rezoning Application under the SEQRA process to the Town Planning Board ("Planning Board") for its review and comment; and

WHEREAS, the Town Board duly accepted for filing and public review the Draft Generic Environmental Impact Statement ("DGEIS") prepared by the University on December 2, 2005; and

WHEREAS, thereafter, the Town Board conducted a number of hearings under SEQRA in January and March, 2006; and

WHEREAS, subsequent thereto, the University placed the Project on hold while it completed its Master Plan; and

WHEREAS, during the course of the development of the University's Master Plan, the University continued to hold informational meetings with neighborhood groups regarding the rezoning application; and

WHEREAS, after several years and the completion of the University's Master Plan, the University requested that the formal process regarding the Incentive Zoning/Rezoning Application be restarted; and

WHEREAS, because of the passage of years and the changes to the Project (including the deletion of 8 acres from the IPD Lands and a revised concept plan reducing the institutional square footage and increasing the residential square footage of the Project), the Town Board required the University to prepare a Supplemental Draft Generic Environmental Impact Statement ("SDGEIS") for the project; and

WHEREAS, after a number of months of preparation and revision, on February 12, 2014, the Town Board accepted the SDGEIS for formal public review and comment and scheduled a public hearing thereon; and

WHEREAS, during the development of the SDGEIS for the project the University held public informational meetings regarding the application; and

WHEREAS, on March 26, 2014, the Town Board held a public hearing under SEQRA to receive public comment on the SDGEIS and held open the public comment period thereon to and including April 11, 2014; and

WHEREAS, on September 10, 2014 the Town Board accepted for filing a Final Generic Environmental Impact Statement ("FGEIS") for the entire incentive zoning/rezoning application; and

WHEREAS, on October 22, 2014, the Town Board pursuant to SEQRA issued a finding statement (the "Findings Statement") attached hereto as Schedule B; and

WHEREAS, the Town Board, in accordance with the applicable provisions of the CDR, referred the Incentive Zoning/Rezoning Application to the Planning Board for its advice and recommendations; and

WHEREAS, the Planning Board reviewed the Incentive Zoning/Rezoning Application on November 19 and December 17, 2014; and

WHEREAS, the Planning Board subsequently issued its advisory report to the Town Board by letter dated January 6, 2015, which was transmitted to the Town Board on January 7, 2015; and

WHEREAS, the January 7, 2015 transmittal also forwarded in draft the South Campus IPD District Regulations, the intent of which being to provide a zoning overlay to the CDR to serve as the governing district regulations, specific to the South Campus IPD District; and

WHEREAS, the Town Board held public hearings on the Incentive Zoning/Rezoning Application and the South Campus IPD District Regulations on January 28, 2015, February 11, 2015, February 25, 2015, March 11, 2015 and March 25, 2015 to receive public comment, and thereafter closed the public hearing on the Incentive Zoning/Rezoning Application; and

WHEREAS, attached hereto as Schedule C are the proposed South Campus IPD District Regulations, which would serve as the governing district regulations of the IPD land and are a subject of the present legislative action; and

WHEREAS, the Monroe County Department of Planning forwarded the Development Review Referral for the Incentive Zoning/Rezoning Application dated October 20, 2004;

NOW THEREFORE, on motion of Councilperson _____, Seconded by Councilperson _____, it is

RESOLVED, that the Town Board make the following additional findings with respect to the Incentive Zoning/Rezoning Application:

1. The Town Board finds that the proposed rezoning of the IPD Lands to an IPD District and the adoption of the South Campus IPD District Regulations are of substantial benefit to the Town: they fulfill the purposes of Chapter 203, Article XIX of the CDR by providing for the unified and orderly development of the South Campus of the University, which is a major, national research university and medical center.

2. The approval of the Incentive Zoning/Rezoning Application would also benefit the Town by providing tangible benefits and protection to the Town and surrounding neighbors (as described below and in the Incentive Zoning/Rezoning Application), while permitting the University to develop the IPD Lands in a fashion to the benefit of the Town, the region, and the University. The Town Board finds that a reasonable balance has been struck between amenities and incentives.

3. The Findings Statement, adopted on October 22, 2014 by the Town Board, was the summative and concluding document of a long and thorough environmental process conducted under SEQRA with substantial public and municipal input and comment. The Findings Statement summarized the potential impacts and mitigation measures for all of the identified environmental impacts that the full build-out of the South Campus IPD District might have, including: topography, geology and soils; water resources, storm water runoff, and drainage; terrestrial and aquatic ecology (including trees and woodlot EPOD, and wetlands); land use and zoning; historic and archeological resources; traffic; utilities/energy (including water, sanitary sewer, and emergency access/easements); community and neighborhood character; police, fire, and ambulance; and schools. As the site is built out over the ensuing decades, Town staff and governmental bodies, as well as the University, will refer to the Findings Statement for reference and guidance..

4. Because of the importance of the issues of traffic and drainage to the surrounding area and in particular to the immediate area around the IPD Lands, the Town Board required as part of the process (1) that the University work with the New York State Department of Transportation, the Monroe County Department of Transportation and the Town's own staff and traffic consultant to promote and implement certain area-wide traffic circulation improvements which have been and are being implemented, and (2) that the University work closely with the Town's own staff and drainage consultant during the EIS process and further to implement certain drainage improvements beyond any impact created by the University in the full build-out of the South Campus to the extent that some of the agreed upon drainage improvements came to constitute amenities under the incentive zoning portion of the Incentive Zoning/Rezoning Application.

5. The South Campus IPD District Regulations have been developed and written to permit the University to realize the potential of the site, while at the same time protecting the surrounding neighborhoods and significant environmental features. In particular, the Town Board notes that the comprehensive environmental review and incentive zoning/rezoning process has identified and protected some old growth habitat on the IPD

Lands which will receive protection above and beyond what the existing regulatory framework would require.

6. The amenities to be provided by the University in connection with the Incentive Zoning/Rezoning Application, as set forth in an amenity agreement in the form attached hereto as Schedule D, fulfill enumerated Town goals and/or are designed to protect the surrounding neighborhoods, to wit:

a. The donation of a 42.55+/- parcel of land more particularly described by deed recorded in the Monroe County Clerk's Office in Book 08493, Page 0116 ("Donated Parcel"), will enhance the Town's recreational opportunities.

b. Planting enhancements within the 100 ft. buffer zone adjacent to residential areas outside of the IPD Lands will help screen areas of the Project from such contiguous residential areas.

c. Elimination of any future access from Crittenden Road to the South Campus IPD District will decrease the amount of traffic (with all of the impacts such traffic might entail) from the surrounding neighborhood. The elimination of such access, however, will not adversely affect the traffic circulation within the South Campus to public roadways, nor will it prohibit emergency access from the south as the Town Board has required the University to provide emergency access.

d. The University will provide a number of drainage amenities which will act to decrease existing and future drainage and water problems to surrounding residential areas, not caused by the University's build-out of the site.

7. The Town Board hereby finds and determines that the above enumerated amenities and community benefits do not fully offset the incentives to be granted and that further community benefits and amenities are neither immediately feasible nor practical and hereby requires the University to provide a payment to the town of sums as set forth in the amenity agreement attached hereto as Schedule D.

8. The incentives to be provided to the University by the Town, in accordance with the incentive zoning aspects of the Incentive Zoning/Rezoning Application, to wit rezoning of the IPD Lands to an IPD District, permitting a maximum total density of 2,535,812 gross square feet of floor area; and relaxing building heights limitations in certain areas of the IPD Lands, are appropriate and will permit the University to develop the South Campus as a vital part of the University's overall campus, while at the same time, in accordance with the South Campus IPD District Regulations, protecting the surrounding neighborhoods from potential adverse impacts to the maximum extent practicable.

9. The Incentive Zoning/Rezoning Application together with the Proposed Amenities will assist the Town to implement the specific physical, cultural and social policies of the Comprehensive Plan including:

a) Meeting Open Space and Recreation Community Goals by providing for the passive recreational needs of current and future town residents, preserving in their natural state, open space areas with significant natural value, ensuring that

acquisition of open space areas is done in a way that is responsive to the fiscal implications thereof, protect sensitive environmental areas, including wetlands and woodlots and enhance pedestrian linkages among parks, trails and neighborhoods.

b) Meeting Land Use goals by preserving open space, permit quality development that will help produce a sound economic base for the town without compromising other community goals and promote development that protects sensitive environmental areas and creates quality open space areas.

c) Meeting Regional Coordination goals by participating in efforts to improve the overall environmental and economic health of the Rochester Metropolitan Region.

d) Meeting Natural Environment goals by protecting sensitive environmental areas, particularly those within and adjacent to new development.

e) Meeting Town Services goals by facilitating the continued provision of a high standard of service to town property owners while containing service costs to control tax impacts.

f) Meeting Town Housing goals by providing a balance in the type and cost of residential development in Brighton.

g) Meeting Town Transportation goals by encouraging an efficient, safe and convenient transportation system, including roads, trails and public transit, to serve the needs of existing and projected development within the town and provide travel modes that present alternatives to the automobile.

10. The amenities are sufficient to warrant the provision of the requested incentives.

IT IS FURTHER RESOLVED, that pursuant to the authority conferred by the Municipal Home Rule Law, Article 16 of the Town Law of the State of New York, and the CDR, that the Incentive Zoning/Rezoning Application, be and it is hereby approved to the extent set forth in Schedule F, and subject to the conditions set forth in Schedules E-1 and E-2, which conditions shall be fully satisfied by the Developer at or before the times set forth in such Schedules E-1 and E-2 and which conditions the Town Board deems to be of grave importance and without which this Incentive Zoning/Rezoning would not be approved; and

IT IS FURTHER RESOLVED, that the following Local Law be and hereby is enacted, ordained and adopted as an amendment to the Comprehensive Development Regulations of the Town of Brighton, Monroe County, New York:

ARTICLE I:

That the real property, described as in Schedule A, attached hereto, be rezoned Residential - Low Density District ("RLB") to an Institutional Planned Development District ("IPD"), and that the Zoning Map of the Town of Brighton, Monroe County, New York be and hereby is amended accordingly.

ARTICLE II:
That the Town and University agree to execute and deliver an Amenity Agreement in the form attached as Schedule D.

ARTICLE III:

That the Town Board, pursuant to CDR Section 209-4, grants the incentives as set forth in Schedule F; accepts the amenities as set forth in Schedule D; enacts the South Campus IPD Regulations as set forth in Schedule C; and amends the CDR accordingly.

ARTICLE IV:

That the Town Board approves the South Campus IPD District Regulations as set forth in Schedule C to serve as the governing district regulations of the IPD land and are a subject of the present legislative action; and

IT IS FURTHER RESOLVED, that the Supervisor is hereby authorized to execute and deliver the documents and agreements set forth in Schedule D, Schedule E-1 and Schedule E-2 upon review and approval of the same as to form by the Attorney to the Town; and be it further

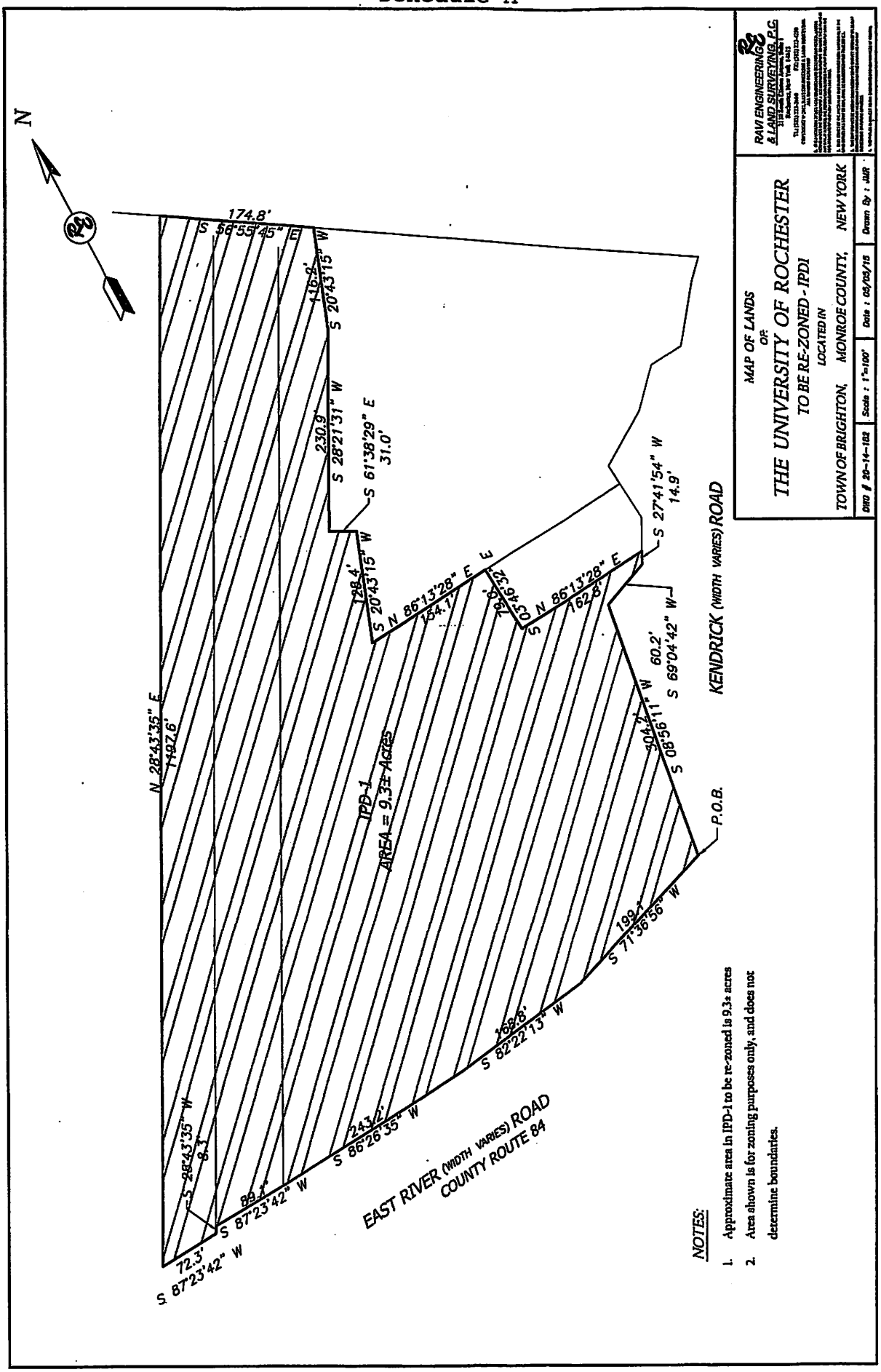
RESOLVED, that this Resolution shall take effect upon due publication and posting thereof as required by law.

UPON ROLL CALL VOTE, the vote was as follows

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

The resolution was thereupon declared adopted.

Dated:



RAVI ENGINEERING & LAND SURVEYING, P.C.

MAP OF LANDS OF:
THE UNIVERSITY OF ROCHESTER
TO BE RE-ZONED - IPD1
LOCATED IN
TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK

DWG # 20-14-182 | Scale : 1"=100' | Date : 05/05/15 | Drawn By : JMR

NOTES:

1. Approximate area in IPD-1 to be re-zoned is 9.3± acres
2. Area shown is for zoning purposes only, and does not determine boundaries.

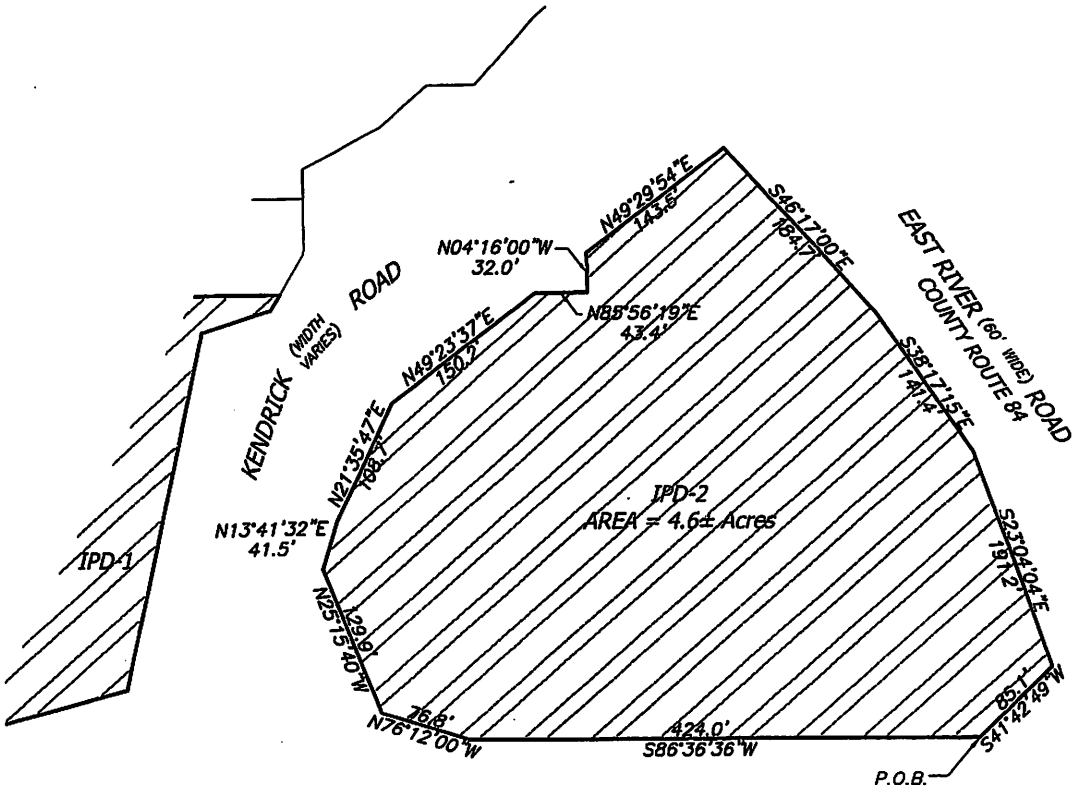
DESCRIPTION OF LANDS
TO BE RE-ZONED
THE UNIVERSITY OF ROCHESTER IPD-1
TOWN OF BRIGHTON

All that tract or parcel of land situate in the Town of Brighton, County of Monroe, State of New York and is more particularly described as follows:

Beginning at a point formed by the intersection for the northerly right-of-way of East River Road and the west right-of-way of Kendrick Road, as shown on the Kendrick Road Subdivision filed in the M.C.C.O. Liber XXX of Maps, page XXX, thence

1. S71°36'56"W a distance of 199.1 feet to a point thence,
2. S82°22'13"W a distance of 168.8 feet to a point thence,
3. S86°26'35"W a distance of 243.2 feet to a point thence,
4. S87°23'42"W a distance of 89.1 feet to a point thence,
5. S28°43'35"W a distance of 8.3 feet to a point thence,
6. S87°23'42"W a distance of 72.3 feet to a point thence,
7. N28°43'35"E a distance of 1197.6 feet to a point thence,
8. S56°55'45"E a distance of 174.8 feet to a point thence,
9. S20°43'15"W a distance of 116.2 feet to a point thence,
10. S28°21'31"W a distance of 230.9 feet to a point thence,
11. S61°38'29"E a distance of 31.0 feet to a point thence,
12. S20°43'15"W a distance of 128.4 feet to a point thence,
13. N86°13'28"E a distance of 154.1 feet to a point thence,
14. S03°46'32"E a distance of 79.0 feet to a point thence,
15. N86°13'28"E a distance of 162.8 feet to a point thence,
16. S27°41'54"W a distance of 14.9 feet to a point thence,
17. S69°04'42"W a distance of 60.2 feet to a point thence,
18. S08°56'11"W a distance of 304.2 feet to a point and place of beginning,

Intending to describe lands of The University of Rochester (IPD-1) to be re-zoned by the Town of Brighton, which contains 9.3± acres, Town of Brighton.



NOTES:

1. Approximate area in IPD-2 to be re-zoned is 4.6± acres
2. Area shown is for zoning purposes only, and does not determine boundaries.

MAP OF LANDS
OF:
THE UNIVERSITY OF ROCHESTER
TO BE RE-ZONED - IPD2
LOCATED IN
TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK

DWG # 20-14-182	Scale : 1"=100'	Date : 05/05/15	Drawn By : JMR

RAVI ENGINEERING & LAND SURVEYING, P.C.
3110 South Clinton Avenue, Suite 1
Rochester, New York 14618
TEL: (585) 223-2460 FAX: (585) 223-4578

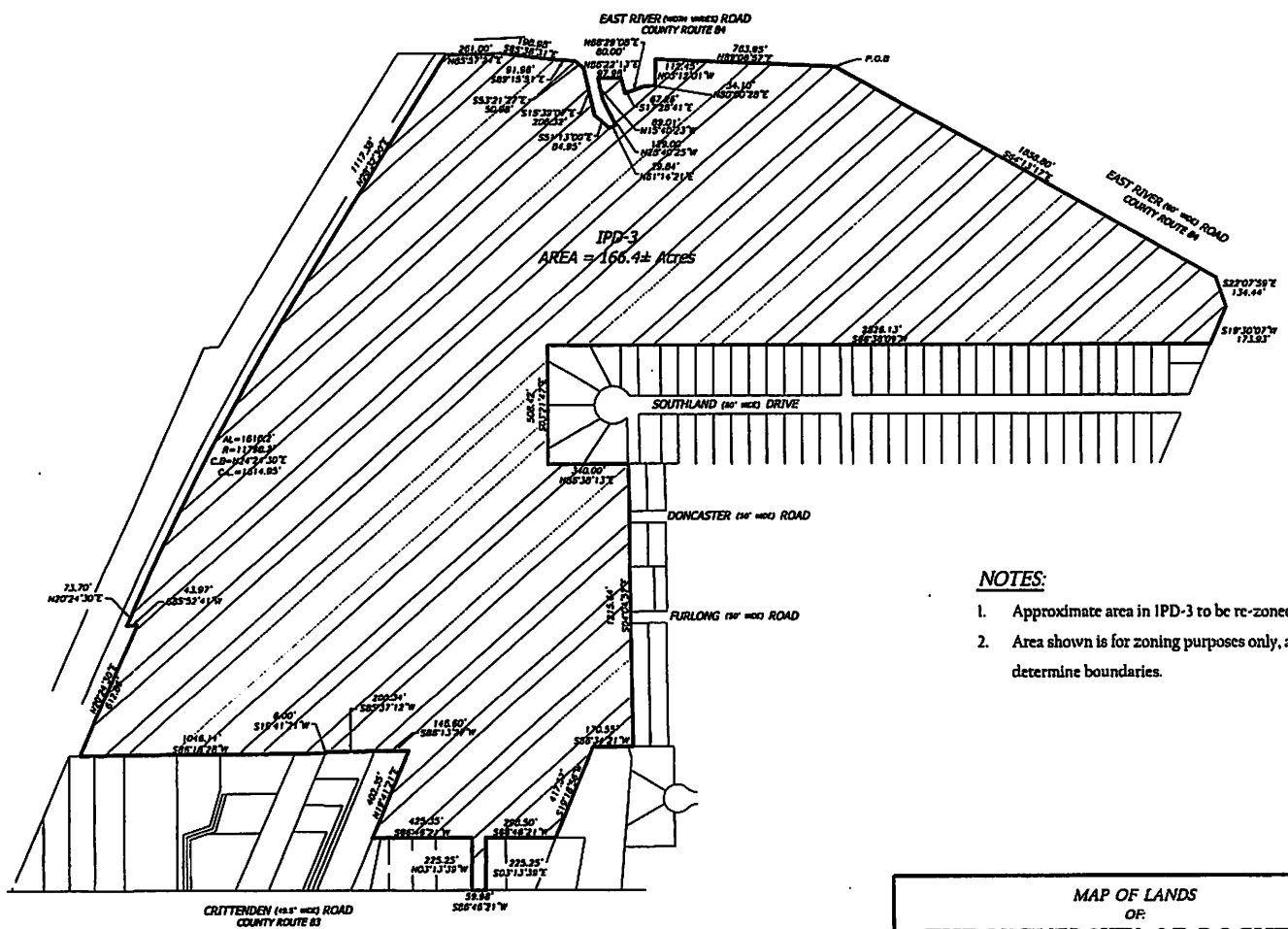
DESCRIPTION OF LANDS
TO BE RE-ZONED
THE UNIVERSITY OF ROCHESTER IPD-2
TOWN OF BRIGHTON

All that tract or parcel of land situate in the Town of Brighton, County of Monroe, State of New York and is more particularly described as follows:

Beginning at an angle point in the north right-of-way of East River Road (County Route 84), said point being shown on NYSDOT Appropriation Map 279 Parcel 286 thru 298(station ER48+56.79 30.37L) and filed in the Monroe County Clerk's Office Liber 1208 of Appropriation Maps page 332, thence

1. S86°36'36"W a distance of 424.0 feet to a point thence,
2. N76°12'00"W a distance of 76.8 feet to a point thence,
3. N25°15'40"W a distance of 129.9 feet to a point thence,
4. N13°41'32"E a distance of 41.5 feet to a point thence,
5. N21°35'47"E a distance of 108.7 feet to a point thence,
6. N49°23'37"E a distance of 150.2 feet to a point thence,
7. N85°56'19"E a distance of 43.4 feet to a point thence,
8. N04°16'00"W a distance of 32.0 feet to a point thence,
9. N49°29'54"E a distance of 143.5 feet to a point thence,
10. S46°17'00"E a distance of 184.7 feet to a point thence,
11. S38°17'15"E a distance of 141.4 feet to a point thence,
12. S23°04'04"E a distance of 191.2 feet to a point thence,
13. S41°42'49"W a distance of 85.1 feet to the point and place of beginning,

Intending to describe lands of The University of Rochester (IPD-2) to be re-zoned by the Town of Brighton, which contains 4.6± acres, Town of Brighton.


EAST RIVER (WIDTH VARIES) ROAD
COUNTY ROUTE 84
P.O.B
IPD-3
AREA = 166.4± Acres
EAST RIVER (90' WIDE) ROAD
COUNTY ROUTE 84
SOUTHLAND (60' WIDE) DRIVE
DONCASTER (50' WIDE) ROAD
FURLONG (50' WIDE) ROAD
CRITTENDEN (49.5' WIDE) ROAD
COUNTY ROUTE 83
N
NOTES:
1. Approximate area in IPD-3 to be re-zoned is 166.4± acres
2. Area shown is for zoning purposes only, and does not determine boundaries.
MAP OF LANDS
OF:
THE UNIVERSITY OF ROCHESTER
TO BE RE-ZONED - IPD3
LOCATED IN
TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK
DWG # 20-14-182
Scale : 1"=500'
Date : 03/21/15
Drawn By : JMR
RAVI ENGINEERING & LAND SURVEYING, P.C.

DESCRIPTION OF LANDS
TO BE RE-ZONED
THE UNIVERSITY OF ROCHESTER IPD-3
TOWN OF BRIGHTON

All that tract or parcel of land situate in the Town of Brighton, County of Monroe, State of New York and is more particularly described as follows:

Beginning at an angle point in the south right-of-way of East River Road (County Route 84), said point being shown on NYSDOT Appropriation Map 279 Parcel 292 (station 52+57) and filed in the Monroe County Clerk's Office Liber 1208 of Appropriation Maps page 326, thence

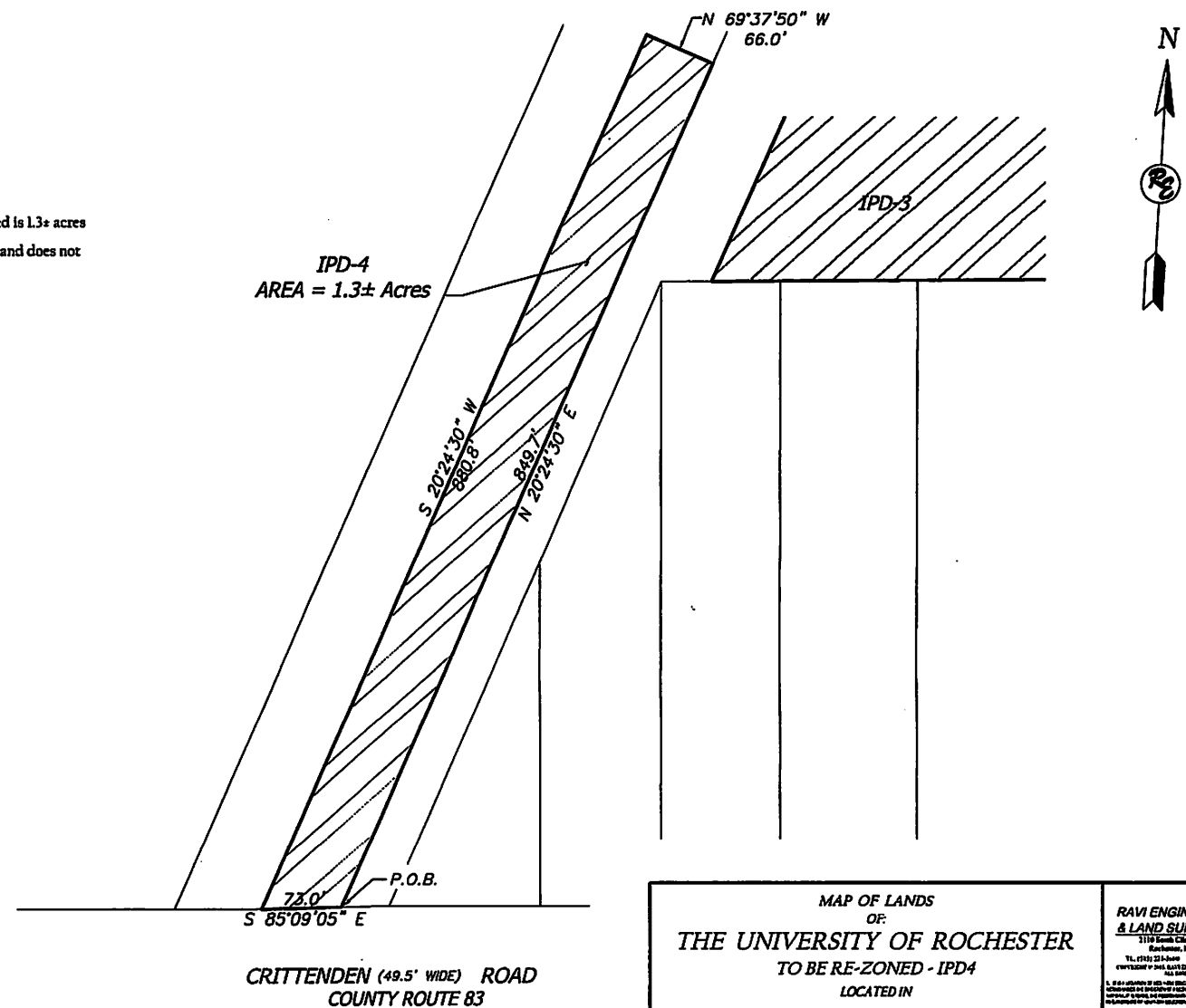
1. S64°13'17"E a distance of 1858.80 feet to a point thence,
2. S22°07'59"E a distance of 134.44 feet to a point thence,
3. S19°30'07"W a distance of 173.93 feet to a point thence,
4. S86°38'09"W a distance of 2826.13 feet to a point thence,
5. S03°21'47"E a distance of 508.42 feet to a point thence,
6. N86°38'13"E a distance of 340.00 feet to a point thence,
7. S04°04'52"E a distance of 1215.64 feet to a point thence,
8. S86°34'21"W a distance of 170.55 feet to a point thence,
9. S19°18'56"W a distance of 417.57 feet to a point thence,
10. S86°46'21"W a distance of 298.50 feet to a point thence,
11. S03°13'39"E a distance of 225.25 feet to a point thence
12. S86°46'21"W a distance of 59.98 feet to a point thence,
13. N03°13'39"W a distance of 225.25 feet to a point thence,
14. S86°46'21"W a distance of 425.35 feet to a point thence,
15. N19°41'21"E a distance of 402.35 feet to a point thence,
16. S86°13'27"W a distance of 146.60 feet to a point thence,
17. S85°37'12"W a distance of 208.34 feet to a point thence,
18. S19°41'21"W a distance of 6.00 feet to a point thence,
19. S86°16'28"W a distance of 1046.11 feet to a point thence,
20. N20°24'30"E a distance of 612.86 feet to a point thence,

21. S85°52'41"W a distance of 43.97 feet to a point thence,
22. N20°24'30"E a distance of 73.70 feet to a point of curvature; thence,
23. Northeasterly continuing along the easterly line along a non-tangent curve to the right having a radius of 11798.25 feet, an arc length of 1616.2 feet, a chord bearing of N24°28'30"E, a chord distance of 1615.0 feet to the point of tangency; thence,
24. N28°32'30"E a distance of 1117.38 feet to a point thence,
25. N85°57'24"E a distance of 261.00 feet to a point thence,
26. S85°36'31"E a distance of 198.98 feet to a point thence,
27. S89°15'51"E a distance of 91.96 feet to a point thence,
28. S53°21'27"E a distance of 50.98 feet to a point thence,
29. S15°39'07"E a distance of 206.32 feet to a point thence,
30. S51°13'00"E a distance of 84.95 feet to a point thence,
31. N61°14'21"E a distance of 29.84 feet to a point thence,
32. N28°40'25"W a distance of 129.00 feet to a point thence,
33. N15°40'23"W a distance of 89.01 feet to a point thence,
34. N86°22'13"E a distance of 97.98 feet to a point thence,
35. S17°28'41"E a distance of 67.26 feet to a point thence,
36. N66°29'08"E a distance of 80.00 feet to a point thence,
37. N80°00'28"E a distance of 54.10 feet to a point thence,
38. N03°12'01"W a distance of 112.45 feet to a point thence,
39. N89°08'57"E a distance of 763.95 feet to the point and place of beginning,

Intending to describe lands of The University of Rochester (IPD-3) to be re-zoned by the Town of Brighton, which contains 166.4± acres, Town of Brighton.

NOTES:

1. Approximate area in IPD-4 to be re-zoned is 1.3± acres
2. Area shown is for zoning purposes only, and does not determine boundaries.



MAP OF LANDS
OF:
THE UNIVERSITY OF ROCHESTER
TO BE RE-ZONED - IPD4
LOCATED IN
TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK

DWG # 20-14-182	Scale : 1"=100'	Date : 05/12/15	Drawn By : JMR

RAVI ENGINEERING & LAND SURVEYING, P.C.
2110 South Clinton Avenue, Suite 1
Rochester, New York 14613
TEL: (585) 223-3600 FAX: (585) 223-4290

DESCRIPTION OF LANDS
TO BE RE-ZONED
THE UNIVERSITY OF ROCHESTER IPD-4
TOWN OF BRIGHTON

All that tract or parcel of land situate in the Town of Brighton, County of Monroe, State of New York and is more particularly described as follows:

Beginning at a point formed by the intersection of the northerly right-of-way of Crittenden Road, and the easterly line of lands of the University of Rochester as recorded in Liber 6903 of Deeds, page 266, thence

1. N20°24'30"E a distance of 849.7 feet to a point thence,
2. N69°37'50"W a distance of 66.0 feet to a point thence,
3. S20°24'30"W a distance of 880.8 feet to a point thence,
4. N85°09'05"E a distance of 73.0 feet to the point and place of beginning.

Intending to describe lands of The University of Rochester (IPD-4) to be re-zoned by the Town of Brighton, which contains 1.3± acres, Town of Brighton.

Schedule B

State Environmental Quality Review

FINDINGS STATEMENT

Pursuant to Article 8 of the New York State Environmental Conservation Law 6 NYCRR Part 617.1 et seq. (collectively the "State Environmental Quality Review Act" (SEQRA) and the Town of Brighton Town Code, the Brighton Town Board, as Lead Agency, makes the following Findings:

Date: October 22, 2014

Name of Action: **University of Rochester Institutional Planned Development South Campus Rezoning**

Description of Action:

Application by the University of Rochester ("Applicant" or the "University") requests the Town Board to Amend the Town Zoning Map to rezone approximately 180 acres of the South Campus from residential to Institutional Planned Development ("IPD") and to adopt for the IPD a set of regulations for its governance (the "IPD Ordinance"). The application also requests the Town Board to grant incentive zoning approval to increase building density and height.

Incentives

1. Rezoning to IPD;
2. Density; and
3. Building Height

Amenities

1. Donation of a certain parcel, tax map number 148.15-2, south of Crittenden Road (42.55+/- acres);

2. Planting enhancements within the 100 foot buffer zone adjacent to residential areas: to be implemented during the first spring after approval of the IPD or as soon thereafter as possible given planting feasibility, in coordination with the Town;

3. Elimination of any future access to Crittenden Road from the IPD District: to be implemented upon approval of rezoning;

4. Drainage: revise storm sewer connections on the developed portion of the South Campus (in Whipple Park) to redirect drainage away from Furlong Creek and toward the south wetland area;

5. Drainage: construct a berm within the north/south swale that conveys stormwater from the southern wetland to Furlong Creek. The swale is located adjacent to the

Lehigh Valley trail. The berm will significantly reduce the amount of stormwater discharged from the south wetland onto the adjacent properties to the south;

6. Drainage: construct an outlet structure within the south wetland area to control the water surface elevation and the rate at which stormwater is discharged from the south wetland. The outfall structure will discharge to the existing drainage way along the west side of the former Lehigh Valley railroad. As necessary the existing drainage way will be improved to insure that the stormwater discharged from outfall structure flows by gravity to the existing Furlong Creek culvert; and

7. Annual deposit to the Town of Brighton based on $0.45/gsf for new development into one or more trust funds established by the Town of Brighton.

Immediately following completion of the South Campus incentive zoning/rezoning process, application will be made to the NYSDEC and USACE as part of a joint Application for Permit in order to obtain the necessary regulatory approvals needed to construct amenities 4, 5 and 6. Conversations with the DEC have already occurred regarding the proposed drainage amenities for the South Campus, and during that meeting DEC concurred that the best time for said amenities to be constructed would be during the summer months, when the work zone tends to be dryer.

A letter of credit in the full amount of the construction costs of the amenities will be posted with the Town of Brighton.

Location:
University of Rochester South Campus, bounded on the north by the intersection of the former Lehigh Railroad right of way ("ROW") with Interstate Route 390, on the west by the ROW and on the east by West Henrietta Road, Southland Drive, Doncaster Road and Furlong Road,and on the south by Southland Drive and Crittenden Road, and includes the Lilac Park Subdivision located to the south of Crittenden Road and east of the Lehigh Railroad ROW.

Agency Jurisdiction:
The Town of Brighton Town Board is the SEQRA Lead Agency

Date Final Generic EIS Formally Submitted to the Lead Agency: July 14, 2014

Facts and Conclusions Relied Upon to Support Decision:

I. **The Proposed Action:** The rezoning to IPD and incentive zoning will allow the University to develop the South Campus over time. South Campus growth will occur on a building by building basis, which is anticipated over the next 25 years and beyond.

The University Campus Master Plan outlined the future growth for the University by demonstrating the capacity of its land holdings over time, and a land use strategy which

addresses future needs. The Master Plan was used as the basis for the Generic Environmental Impact Statement studies. Though the Final Generic Environmental Impact Statement ("FGEIS") outlines theoretical maximums for potential development of the South Campus, actual buildings will be dictated by actual site conditions and will be subject to Site Plan approval by the Town of Brighton Planning Board.

II. Environmental Review Process

The Applicant has completed extensive technical studies and has prepared a Generic Environmental Impact Statement (GEIS) to support the future development of its South Campus lands north of Crittenden Road. Throughout the lengthy review process, the Applicant modified the future plans to address concerns and review comments received from the Town, its agencies, consultants and the area residents. In addition to the formal review process, several public informational meetings were held to present and discuss the proposed rezoning and future plans for the South Campus.

When the Draft Generic Environmental Impact Statement ("DGEIS") was prepared, the University had not yet undertaken its Campus Master Plan work, and therefore, a series of development and build-out assumptions were made about future uses, densities, locations of potential buildings and the timing of expansion. Since the completion of the DGEIS, the Master Plan was completed, and therefore, more detailed information about potential University expansion within the Town of Brighton South Campus became available. Therefore, the Town Board determined that a Supplemental Draft Environmental Impact Statement (S-DGEIS) was warranted, which was prepared to address changes from the original Application and DGEIS.

Following is a chronology of land use approval and environmental review process to date:

- A DGEIS was prepared based upon the scope adopted by the Town of Brighton Town Board on April 13, 2005, and was deemed complete by the Town Board at their December 2, 2005 meeting.
- Subsequently, a S-DGEIS was completed in January 2014, which includes updates and additional information to the original DGEIS. The S-DGEIS was deemed "Complete" by the Town Board on February 12, 2014.
- Copies of the accepted S-DGEIS were provided to the Town for public review and comment, along with a *Comment and Response Supplement* to the November 2005 DGEIS, which provided responses to comments received on the DGEIS.
- A public information meeting was held on March 19, 2014. A Public Hearing on the S-DGEIS was held on March 26, 2014. The public comment period ended on April 11, 2014

The University prepared a plan titled "University of Rochester South Campus Current Plan", dated July 14, 2014 located in Appendix A of the Final Environmental Impact Statement ("FGEIS"). This plan results from combining features from the alternative plans developed over time in response to comments received, primarily related to enhancing natural buffers and visual mitigation to the area residents, and which incorporates adequate mitigation to minimize or eliminate the potential adverse environmental impacts identified to the maximum extent practicable.

It is important to note that although the Current Plan may not be the ultimate design that is submitted for site plan review for individual building projects, it exhibits the features that provide the best balance of all factors considered as part of the environmental review in connection with the Application. Therefore, these factors elaborated below and in the FGEIS, should be considered the thresholds under which any future applications by the University of Rochester would be considered consistent with the findings, facts and conclusions.

III. Project Environmental Impacts

1. Topography, Geology & Soils

Description of Impacts

The development of the South Campus will involve the stripping of topsoil and disturbance to the natural soils during the construction of the various buildings, parking lots, roadways and ancillary facilities. Exposed surfaces will be subject to erosion, the migration of sediment and changes to the existing topography. No impacts to geologic resources are anticipated.

Mitigation Measures

1. Areas of disturbance will be minimized. Watercourses, wetlands and wetland buffer areas will be avoided, and pollution prevention efforts/Best Management Practices (BMP's) will be employed during construction and for permanently installed stormwater mitigation features to control sediment and soil erosion;

2. As each future project is proposed, potential impacts will be evaluated on a site-by-site basis as part of the review and approval process by the Town; and

3. At the time of construction, the BMP measures to be installed by the University will conform to the most current NYS Standards and Specifications for Erosion and Sediment Control. The techniques for controlling erosion and sediment control during construction will include the following:

a. Providing sediment control practices located downstream of construction activities. The sediment control practices typically include silt fence, earthen diversion dikes, temporary swales, and sediment basins/traps. The downstream side of each practice will be undisturbed ground.

b. All disturbed areas will be stabilized within 21 days when construction activities have temporarily or permanently ceased.

c. Storm sewer inlet structures will be protected from sediment deposition.

d. Swales and /or channels will include stone check dams to reduce the velocity of stormwater to non-erosive velocities.

e. A Stormwater Pollution Prevention Plan, SWPPP, will be prepared for each proposed project or phase of development. The SWPPP will be prepared in conformance with the latest NYSDEC, Town of Brighton and EPA requirements.

f. A geotechnical analysis will be completed tor each proposed project or phase development. The geotechnical analysis will determine the ultimate design of the stormwater management system.

g. Disturbance greater than 5 acres in size, where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within 7 days from the date the soil disturbance has ceased.

Conclusions

The mitigation measures proposed adequately address the identified impacts to disturbed areas.

2. Water Resources, Stormwater Runoff

Description of Impacts

The management of potential stormwater from future development of the South Campus was a major issue of public discussion and Town staff and Town Board review. Additional development in the South Campus will result in an increase in impervious surfaces within the 180 acre site, which will result in an increase in the rate and volume of stormwater runoff and an increase in associated stormwater pollutant loading.

Mitigation Measures

1. Currently, stormwater runoff from the site discharges to either on-site wetlands or the Erie Canal. The proposed stormwater management plan re-directs runoff from a significant portion of the future developed areas to the Erie Canal. The existing development on the site will continue to direct runoff to the wetlands, with some of the new development area directing drainage to the on-site wetlands;

2. Periodic flooding currently occurs along a low-lying area of a Furlong Creek tributary at the Crittenden Road properties in the southwestern area of the South Campus. To improve periodic flooding situation, the Applicant's proposed stormwater management plan redirects some the current drainage patterns northerly, away from this problem area. In addition, several drainage amenities are proposed to decrease the volume and rate of stormwater runoff that flows into Furlong Creek upstream or east of the Lehigh Valley Trail, as follows:

   - Provide storm sewer connections on the developed portion of the South Campus (in Whipple Park) to redirect drainage away from Furlong Creek and toward the south wetland ;

   - Construct a berm within the north/south swale that conveys stormwater from the southern wetland to Furlong Creek. The swale is located adjacent to the Lehigh Valley trail. The berm will significantly reduce the amount of stormwater discharged from the south wetland onto the adjacent properties to the; and

   - Construct an outlet structure within the south wetland area to control the water surface elevation and the rate at which stormwater is discharged from the South Wetland. The outfall structure will discharge to the existing drainage way along the west side of the former Lehigh Valley railroad. As necessary the existing drainage way will be improved to insure that the stormwater discharged from outfall structure flows by gravity to the existing Furlong Creek culvert ;

3. All stormwater management facilities will be designed and constructed to meet and exceed the requirements of the latest NYS DEC Stormwater Management Design Manual and the Town of Brighton Comprehensive Development Guidelines;

4. A geotechnical analysis will be completed for each future project and/or phase of development in order to determine the ultimate stormwater management improvement design and location;

5. The drainage channel that bisects the project site will be retained along with its corresponding buffer area;

6. With the proposed stormwater mitigation measures in place, stormwater volumes and runoff rates leaving the site and directed to natural receiving water bodies will be reduced to 20% less (minimum) from what they are today;

7. A larger amount of runoff will be directed towards the Erie Canal. Proposed stormwater management facilities will be provided upstream of the Erie Canal to attenuate post development runoff rates to pre-development conditions. Additionally, green infrastructure improvements will provide the required water quality volumes in accordance with the latest NYS DEC Stormwater Design Manual;

8. Water quality measures will be installed to remove runoff pollutants prior to discharge from all developed points on the site;

9. Stormwater detention facilities – ponds and underground storage and conveyance piping - will be installed upstream of each of the Rezone Property stormwater discharge points to attenuate post-development runoff rates and volumes to less than pre-development conditions. The ponds will include 'deep pools' at the inlet and outlet ends to provide settling areas for runoff pollutant removal. Each proposed project will undergo Town review via the site plan approval process;

10. The green practices for the proposed development, to reduce runoff volumes and improve water quality, will include installation of bioretention facilities and installation of vegetated swales. These treatment facilities receive and treat stormwater runoff from paved areas. The swales and bioretention ponds slow or pool the flow and remove contaminants and sedimentation as water is filtered through grass strips, planted soil and other planted materials, then infiltrating into underlying organic soils and sand beds;

11. A meeting was held with NYSDEC on June 26, 2014 to review and discuss potential stormwater and wetland impacts from future development of the South Campus. Meeting highlights and summary items included:

    - NYS DEC noted a preference to install the stormwater amenities in the drier summer months when wetland water levels are lower;
    - NYS DEC stated the need for the University to negotiate with the Town how maintenance of the overflow drainage culvert crossing under the Town trail will be covered. It was suggested that the University be responsible for seasonal cleaning and the Town be able to do major or emergency repairs and charge the University for them, should the need arise;
    - NYS DEC permitting process for installation of the stormwater amenity facilities and the stormwater facilities for the project will require a public notification and comment process; and

- The application for the amenities will need to include documentation of land ownership and easements to verify rights and authorizations to implement the amenities.

Based on the NYSDEC meeting outcome, the University commits to: obtaining all required permits from NYS DEC; installing the drainage amenities in the summer/drier season; providing seasonal maintenance on the overflow drainage culvert to reimburse the Town for major or emergency repairs, should the need arise; and to secure and provide to the Town and NYSDEC the needed easements and authorizations to perform work on adjacent landowners properties. The University will also be required to enter into a Storm Water Maintenance Agreement; and

12. Mitigation techniques available for stormwater could include underground storage and surface treatment, along with on-site storage combined with the off-site capacities as determined by the Town Engineer. Although the Applicant has provided comprehensive analysis and preliminary design details, final calculations and designs for the required mitigation of potential stormwater impacts are premature at this stage. There appears to be adequate land area on the Project site, adequate techniques to properly manage requirements of both the NYSDEC and the Town of Brighton, and adequate oversight by the Town Engineer to assure that the mitigation will be effective to achieve all stormwater management and discharge goals. The final calculations and designs will be submitted with each formal site plan application. It will be thoroughly reviewed and approved by the Planning Board and the Town Engineer to assure compliance with all of the Findings and Conclusions of this environmental review process as well as compliance with all regulations and requirements of the NYSDEC and the Town of Brighton.

Conclusions

Based on the foregoing, the Town Board has determined that there are adequate protective measures proposed as mitigation to minimize or eliminate the potential stormwater related impacts resulting from the future growth in South Campus. In addition, the Town Board acknowledges that certain proposed drainage amenities will also mitigate existing flooding and drainage problems.

3. Terrestrial and Aquatic Ecology

Trees and Woodlot EPOD

Description of Impacts

The Applicant completed several tree studies throughout the review process to identify woodlot limits, significant trees and their condition. Old Growth habitat areas were also identified and mapped. Portions of future development in the South Campus will fall within the identified woodlot areas.

Mitigation Measures

1. While the DGEIS included a request for a Woodlot EPOD permit which would have applied to the entire IPD as part of the rezoning approval, the S-DGEIS removed that request which had previously been listed as an incentive. The FGEIS states and clarifies that the request for a Woodlot EPOD permit has been removed from the incentive zoning/site rezoning process, and in lieu of an upfront permit, proposed impacts to the Woodlot EPOD will be subject to Town review and approval pursuant to the Town's Environmental Overlay District Regulations as each specific phase of development is submitted as part of a formal site plan application;

2. The University has identified 'no-build' zones in the Old Growth habitat areas of the Woodlot EPOD. The current plan was revised to avoid potential building and disturbance in those areas. A tree survey will be part of each required Woodlot EPOD application to be conducted per Town standards for any future development phase/project which proposes impacts to the Woodlot EPOD,

3. A detailed tree mitigation plan and Landscape Buffer Planting Plan have been prepared that indicates enhanced buffers adjacent to residential areas. It will be implemented during the first spring after the IPD Rezoning. Spring planting will allow the new plants to get established prior to winter. The proposed Landscape Buffer Planting Plan may be found in Appendix C of the FGEIS;

4. Any development which will impact the Woodlot EPOD will need to follow the regulations outlined in the Town Code. As future buildings or phases of the master plan are submitted to the Town for site plan review, an analysis of the Woodlot EPOD and potential disturbance will be reviewed and analyzed as part of the site plan review process. An appropriate mitigation plan will be developed on a case by case basis as is typical with any site development plan reviewed by the Town that involves disturbance to the Woodlot EPOD;

5. Replanting plans for potential future Woodlot EPOD impacts will be prepared by the Applicant at the time of design for each project on a case by case basis and will be subject to the Town's review and approval process for each proposed project;

6. The Applicant proposes an amenity of planting enhancements within the 100 foot buffer zone adjacent to residential areas, with implementation during the first spring after approval of the IPD, or as soon thereafter as possible given planting feasibility, in coordination with the Town. A plan detailing the amenity and illustrating the proposed buffer planting was included in the FGEIS; and

7. The proposed IPD Ordinance includes a No Build Map dated August 18, 2014 which identifies the location of the utility corridor crossing which will cut across the 100 foot buffer and will serve as the location in which the proposed utility upgrades will be installed. Upon completion of the proposed utility work, the area of disturbance will be restored and replanted, and will subsequently remain undisturbed.

Conclusions

Based on the foregoing, the Town Board has determined that there are adequate protective measures proposed as amenities and mitigation to minimize or eliminate the potential Tree and Woodlot EPOD impacts resulting from this Action.

Wetlands

Description of Impacts

There are wetland areas within the South Campus. Potential building sites are in close proximity to some of the wetlands.

Mitigation Measures

1. Wetland Delineations were updated in 2013 and a Wetland Delineation Report was completed in January 2014. The updated wetland mapping was included in the S-DGEIS and submitted to the NYS DEC and Army Corps of Engineers. Both agencies have reviewed the updated delineations and verified the wetland boundaries. The wetland delineations are valid for five years (a timeline which began in January of 2014 based on agency verification of the delineation). Additional delineations will be performed after the five year expiration, as needed, for future projects which may be proposed in the vicinity of wetlands and their adjacent areas;

2. Wetland areas are located to the immediate southeast of the existing Laboratory for Laser Energetics (LLE), and adjacent to the Lehigh Valley

Trail. These locations include areas of upland habitat which will remain undisturbed and will continue to support amphibian life and a variety of wildlife post full build-out of South Campus. The large tract of wetlands along the southern portion of the South Campus adjacent to the Lehigh Valley Trail will not be impacted, nor will the 100 foot adjacent area pertaining to the NYS DEC regulated wetland. The parcel of land north of East River Road and west of Kendrick Road also contains a federal wetland, and proposed development of this parcel has been removed;

3. The Master Plan layout was modified to acknowledge changes which occurred to the wetland boundaries, and the associated 100' buffer around the NYSDEC regulated wetland. The S-DGEIS Appendix C includes the updated wetland documentation and mapping;

4. Currently, stormwater runoff from the site discharges to either wetlands or the Erie Canal. The proposed drainage model will re-direct runoff from a majority of the future developed areas to the Erie Canal. For the most part, existing developed areas on South Campus will continue to direct runoff to the wetlands; some of the new development area will also direct drainage to the wetlands. The runoff rates to the wetland areas will be reduced significantly from existing conditions, allowing more time for infiltration into the soil as runoff passes through vegetated swales and bioretention facilities prior to discharge to wetland areas. More dentition time will be provided along the route and in the ponds, all of which are benefits to water quality. The required stormwater detention times will be provided prior to discharging to the wetlands, but the wetlands will provide extended detention time as a bonus, which will further improves water quality;

5. A meeting was held with NYSDEC on June 26, 2014 to review and discuss potential stormwater and wetland impacts from future development of the South Campus, including the first proposed project, the Imaging Building on East River Road. Meeting highlights regarding wetlands included:

   - DEC understands and agrees that site conditions may change in the future, such as wetland size and shape;
   - DEC application and permitting process will require a public notification and comment process; and
   - Based on the meeting outcome, the University commits to obtaining all required permits from NYSDEC;

6. The University has identified "no-build" zones in the wetland areas. The current plan avoids potential building and disturbance in these areas. As stated in the S-DGEIS and the FGEIS, the University of Rochester will protect and avoid wetlands. When there is no other option but to impact a wetland,

the wetland will be enhanced via a proposed mitigation plan which will be submitted to the NYSDEC and the Town for review, approval and permitting. The approved plan will be part of the final design plan for the project. At the time of site plan application for each new building, final design of grading, stormwater management, landscaping, etc., will incorporate any proposed enhancements to the wetland areas at that time. All plans will be subject to the review and approval of the Planning Board and Town staff; and

7. Regarding the chorus frogs and vernal ponds: the vernal pond/wetland located behind the Laser Lab was constructed as mitigation to the Laser Lab expansion project. Refer to the wetland delineation maps included in the S-DGEIS Appendix C, Drawing W-1, and 'L' Wetland. This wetland is a 0.55+/- acre marsh specifically developed to provide and enhance chorus frog habitat documented in this area. Construction of this wetland was required to mitigate the habitat disturbance resulting from the Lab project. Disturbance of this wetland area will be avoided by future development.

Conclusions

Based on the foregoing, the Town Board has determined that there are adequate protective measures proposed as mitigation to minimize or eliminate the potential wetland impacts resulting from this Action.

D. Land Use and Zoning

Description of Impacts

1. The University Campus Master Plan identifies long-term development of their 180-acre South Campus in the Town of Brighton. The existing site is partially developed with institutional use along E. River Road and residential use (Whipple Park) in the southern portion;

2. Portions of the future development of the South Campus have the potential to be in close proximity to adjacent residential neighbors, including homes on Southland Drive, and Doncaster, Furlong and Crittenden Roads;

3. The proposed action will allow development of the South Campus, which will increase building density and height, and potentially change the land use of South Campus. The incentive zoning will allow building height and density greater than allowed by the current code for an Institutional Planned Development (IPD) district;

4. The placement of additional buildings on the South Campus will have the potential for visual impacts, particularly for the adjacent residential neighbors; and

5. A detailed plan, reflecting changes to the physical plan that was included as part of the S-DGEIS, has been completed and serves as the "Current Plan". The current plan containing land use, potential building locations, bulk, density and use regulations is included in Appendix A of the FGEIS.

6. Additional development on the South Campus may require the creation/extension of street lighting, sanitary sewer, and water districts.

Mitigation Measures

1. The University Campus Master Plan reflects a conscious effort to lessen impacts to the adjacent neighborhood through a reduction in the intensity of the proposed development. The South Campus boundary which runs along the north side of the properties fronting Southland Drive has been used as a limit to the zone in which institutional uses will be developed;

2. A 100 foot buffer has been placed along the campus edge adjacent to residential uses, consistent with the current IPD regulations. Preservation of this natural buffer will help to screen future development from existing residences. Additionally, these buffers will be enhanced, where needed, by a landscaped buffer planting plan to increase the effectiveness of the buffer edge screening. The IPD Ordinance will include language to ensure the protection of the buffer. It is anticipated that additional plantings in the buffer are will be added over time as deemed necessary during the site plan review process for future buildings. In addition, a residential buffer zone has been added which limits maximum building heights to 35 feet within 200 feet of residential property line borders. The final width of the proposed buffer and the maximum building heights will be determined by the Town Board as part of the IPD Incentive Zoning/Rezoning process;

3. In addition to the 100 foot buffer, a 3-acre parcel of land at the southern end of the site adjacent to Crittenden Road is planned to be left in its natural state in an effort to have a successive decrease in intensity from the East River Road area, moving south to Crittenden Road;

4. The University will integrate with the adjacent neighborhoods by extending connections to the existing sidewalk system along the south side of East River Road, Murlin Drive, the Lehigh Valley Trail and northerly along Kendrick Road via sidewalks and bike lanes which integrate into and the Riverway Trail along the canal, as well as the multi-use trail system throughout the campus;

5. In response to comments received, the Applicant continuously revised the concept site plan for South Campus over the course of the review process evolution. Proposed institutional use was reduced, and residential use was introduced and then expanded. As compared to the original application, the current plan

includes a maximum of 1.29 million square feet of proposed institutional/non-residential space, which represents a reduction in the planned build out of these types of uses by approximately 682,000 square feet. These building locations are proposed in the northern portion of the South Campus site along the Route 390/ East River Road corridors, north of Whipple Park. The current plan also includes 476,400 square feet of residential space, with buildings all located west and southwest of the adjacent residential neighborhood; the original application did not propose residential land use. The total development (existing and proposed) will not exceed 2,535,812 gross square feet. The maximum square feet of development will be determined by the Town Board during the IPD Incentive Zoning/Rezoning process;

6. The requested density incentive would allow an increase in maximum overall density to approximately 15,850 GSF/acre. However, the proposed clustering of the buildings as shown on the current plan avoids buffers, wetland areas and old growth habitats, which are identified in the FGEIS;

7. The FGEIS intended to establish the potential impacts, and proposed mitigation of those impacts, for the overall project represented as the Current Plan, should it be developed to its maximum allowed density. The incentive zoning and rezoning approvals will allow the current residential zoning of the site to be rezoned to Institutional Planned Development (IPD), and for the site to be developed up to the maximum allowable densities outlined in the Current Plan;

8. Questions and concerns were raised regarding the types of materials, biological agents, etc. that may potentially be present over time within the proposed research building that could potentially be released into the environment.

   As stated in the South Campus IPD Draft Zoning Ordinance (FGEIS Appendix A), provisions are included for design and development laboratories, and "wet laboratories". If these types of laboratories are proposed, the ordinance proposed by the applicant states requirements for not only site plan approval, but also conditional use approval by the Planning Board.It is also proposed by the applicant thatlaboratories of Bio Safety Level 3 and 4 will not be permitted. The proposed ordinance also includes the performance standards set forth in the Town of Brighton Comprehensive Development Regulations § 203-168D. Permitted and conditionally permitted uses to be allowed pursuant to the proposed ordinance will be determined by the Town Board during the IPD Incentive Zoning/Rezoning process;

9. Design guidelines for the South Campus have been developed, and are included in Appendix B of the FGEIS. The current plan for the South Campus includes a variety of programmatic uses which transition in density from high to low, as the

site develops from the East River Road corridor, south into the residential zone. This transition was intentional to be sensitive to adjacent residential neighbors;

10. Each project for future development will be submitted to the Town of Brighton Planning Board for review and final approval on a case by case basis;

11. As depicted on the Current Plan dated July 14, 2014, the Applicant has proposed 100 feet of enhanced natural vegetation to remain and be preserved with no future development of any kind. The applicant also proposes the introduction of the 35-ft. maximum height buildings in the 200 foot "residential zone" to provide proper distance and massing that is consistent with the depth of a single family residential lot on the adjoining residential streets. The final width of the proposed buffer and the maximum building heights will be determined by the Town Board as part of the IPD Incentive Zoning/Rezoning process;

12. The proposed heights of buildings gradually reduce across the site from north to south which was done specifically to alleviate potential visual impacts on the adjacent residential neighborhoods. Visual simulations of existing viewsheds have been completed which depict potential building impacts. Photos of existing viewsheds and simulations depicting potential building massing based on maximum building heights being proposed are found in Appendix D of this FGEIS;

13. Based on feedback received during the review process, building height adjustments were made on the current plan to reduce proposed maximum heights adjacent to residential neighbors, to create a Residential Character Zone. The current plan indicates a maximum height of 35 feet within 200 feet of the property line. The Town Board will determine the maximum building heights that will be allowed during the IPD Incentive Zoning/Rezoning process.

    Maximum building heights on the current plan are as follows:

    - 35 feet (3 stories) maximum within 200 feet of the residential property line;
    - 50 feet (4 stories) maximum in the residential land use area;
    - 75 feet (6 stories) maximum in the Institutional/Non-residential land use area; and
    - 90 feet (7 stories) maximum on the north side of East River Road ; and

14. As part of the amenities outlined in the S-DGEIS and FGEIS, planting enhancements were identified to be added to the 100 foot buffer zone adjacent to residential areas. The enhanced buffering and screening will reduce the impact of proposed buildings for adjacent homeowners.

15. As part of the IPD incentive zoning/rezoning process the Town Board will adopt a set of regulations (IPD Ordinance) for the governance of the rezoned acreage. The IPD Ordinance will address building density, building setback, building height, permitted uses, and conditionally permitted. The ordinance will also address the applicable mitigation measures, including the width of the buffer, identified in the GEIS and this Finding Statement.

16. The University will design each of its facilities to meet the required level of LEED silver with a minimum of LEED certification.

17. To mitigate bird collisions with glass, reflective glass curtain wall systems will not be permitted.

18. Each phase/project will undergo LEED analysis; regional material use and diversion of construction debris will be part of the analysis for each proposed building.

19. As each phase/project goes into site plan design and review by the Town, specific impacts with regard to noise will be analyzed on a case by case basis by the Town of Brighton staff and the Planning Board as part of the site plan approval process.

20. At a minimum, all new developments, renovations and additions shall meet the goals and objectives outlined in the University of Rochester Council on Environmental Sustainability.

21. The applicant will use its best efforts to incorporate the use of LED light fixtures or the latest generation of energy efficient fixtures into each phase/project and all lighting will meet dark sky requirements.

22. All proposed buildings will be reviewed and approved by the Town of Brighton Architectural Review Board.

23. As determined during the Planning Board approval process, the district creation/extension for lighting, sanitary and water will be completed as required.

Conclusions

The mitigation measures proposed adequately address the identified impact to the Town's Comprehensive Plan, impacts to residential neighbors, and properly address the identified impacts to project density and land use.

E. Historical and Archeological Resources

Description of Impacts

Potential disturbance of historic places within or adjacent to the project site have been investigated. When and if a development is proposed for the site, construction will cause a disturbance in some areas, while other areas will remain undisturbed. A Phase 1A Historic and Archeological Assessment was completed.

Mitigation Measures

1. Further assessment of potential impacts on previously undeveloped areas will be completed at the time a specific project is proposed. A Phase 1B Historic and Archeological Assessment will be prepared on a project by project basis as part of the respective SEQRA processes for those Site Plan applications to the Town Planning Board; and

2. As demonstrated by the photo simulations included in the FGEIS, the retention of the natural screening along the IPD boundaries along with the proposed enhanced buffers will likely avoid impacts to potential historic structures on neighboring properties.

Conclusions

Potential historic and archeological impacts and commensurate mitigation will be determined during the respective Site Plan Approval processes.

F. Traffic

Description of Impacts

Development of the South Campus over time will result in an increase to traffic volumes at various times of the day and evening. The University Campus Master Plan is a long range plan that will likely occur over decades. As the Master Plan is built out in phases, additional traffic improvements may be required, such as the addition of traffic signals and/or road widening, and will be determined ahead of the construction for each phase in order to avoid adverse impacts to congestion and driver delay.

The traffic study area included the following intersections:

- West Henrietta Road at I-390 North Bound Ramp
- West Henrietta Road at East River Road
- West Henrietta Road at Brighton-Henrietta Road
- West Henrietta Road at Crittenden Road
- West Henrietta Road at Doncaster Road/Sunnyside Road
- West Henrietta Road at Southland Drive
- East Henrietta Road at I-390 North Bound Ramp

- East Henrietta Road at I-390 South Bound Ramp
- East Henrietta Road) at Crittenden Road/MCC
- East River Road at Crittenden Road
- East River Road at Kendrick Road/Murlin Drive
- East River Road at I-390 SB On-Ramp & Off-Ramp
- East River Road at Site Drive

1. A comprehensive analysis of the surrounding street network was performed to determine what impacts the proposed incentive zoning/rezoning, and resulting potential future development would have on the street network. The intensity of uses associated with the proposed IPD zoning designation is much greater than that of a residential zoning designation. Accordingly, there would be an increase in impacts to the adjacent street network, over those likely to be experienced if the property were used for residential development purposes;

2. Two build-out scenarios for the South Campus, from 130,000 square feet to 1,766,450 square feet, have been analyzed up to the year 2027 to show effects of the future development at different stages. The future analysis periods examined the roadway geometry with the currently planned NYSDOT improvements. There are several ongoing and programmed improvement projects for the transportation network in the vicinity of the South Campus that will have a dramatic and positive impact on the current roadway network;

3. The analysis concluded that the adjacent roadway network will accommodate the full build scenario once the first three phases of the ongoing NYS DOT improvements are in place. Those three phases will be completed by 2019. The results also indicated that the study area has the capacity at this time to handle traffic generated by approximately 130,000 square feet of the development, without the need for a traffic signal on East River Road just east of the Lazer Lab. The traffic signal will be paid for by the applicant.; and

4. A majority of the traffic generated to and from the South Campus area is anticipated to use the expressway system. As a result the local roadways will have insignificant delays associated with the 130,000 square feet and the potential for 1.7 million square feet of future development. Portions of the four studied I-390 interchange intersections currently operate under heavy traffic conditions and are anticipated to continue to operate under heavy volumes during the morning and/or evening peak hours.

Mitigation Measures

There is existing traffic congestion within the area in its current condition and sought to ensure that any such congestion would not be further compounded by future growth in the South Campus. However, recently completed and ongoing highway interchange improvements in the area of the University are improving traffic flow; two new interchanges to I-390 (at East River Road and Kendrick Road) will be completed by the end of 2014 and a third in 2015 (at West Henrietta Road). Through the review process, the Town Board utilized a multi-agency approach to identify where problems existed, where additional issues may be forthcoming with the future growth, and what mitigation is available to minimize or eliminate those issues. The Town Board appreciates the time and attention given to this matter by Town Staff, the Monroe County Department of Transportation, the New York State Department of Transportation, the City of Rochester, the Board's consultant, Stantec, and the Applicant and its consultants. This coordination provided the Town Board with a comprehensive understanding of important issues and available mitigation techniques.

Due to the different types of land use anticipated as part of the future South Campus growth, projected traffic volumes will vary. To determine the best way to develop agreeable monitoring measures, the University representatives held several meetings with all local transportation agencies and Town representatives to discuss the potential traffic impacts, and how the University plans to monitor the impacts incrementally over time. The purpose of the discussions was to determine reasonable and acceptable transportation system monitoring procedures as the University grows over time. The following traffic monitoring and mitigation plan has been identified:

1. Based on completion of comprehensive reviews by the Town and the transportation agencies and the discussions at the group meetings, it was determined that the best approach is to continue to update the regional Traffic Impact Study (TIS) every five years to monitor potential traffic impacts and identify commensurate traffic mitigation starting in 2015. The Town review fees will be paid for by the University;

2. In addition, the Town can request as part of the SEQRA process for any individual project, an updated traffic analysis, depending upon the size and nature of the proposed project. The Town review fees will be paid for by the University. The next TIS update will be completed in the fall of 2015. Monroe County Department of Transportation's letter is included in Appendix E;

3. An Active Transportation Plan will be prepared which provides pedestrian and bicycle connectivity throughout the South Campus site, and South Campus connections to the Lehigh Valley Trail at East River Road and to the north (via improvements on the Kendrick Road Bridge) to the U of R Medical Campus, and the River Campus. RG&E owns a 40 foot strip of land which runs along

the entire western property boundary of the South Campus site, parallel to the Lehigh Valley Trail. This strip of land contains overhead transmission power lines strung from steel towers. Given RG&E's ownership of the power corridor running parallel to the trail, connections to the Lehigh Valley Trail which would need to cross the RG&E owned transmission corridor. The University will seek to obtain an additional access easement from RG&E that will provide pedestrian access to the Lehigh Valley Trail from the South Campus. The Active Transportation Plan is referenced in Appendix E of the FGEIS;

4. RTS bus stops and University Shuttle service: The University of Rochester South Campus is currently served by the Rochester Transit Service (RTS) as part of RGRTA's overall network The University and RGRTA meet regularly to discuss ridership, the need for additional or modified stops throughout the campus, enhanced bus stops and shelters for interconnection of RGRTA stops with University shuttle stops, and express service to various areas of the community. Similar to the ongoing plans and development of College Town, it is likely that RTS bus stops will be added to the South Campus site as it becomes further developed. The demand for future stops will continue to be coordinated with RGRTA as public ridership and transportation links continue to increase throughout the campus, and the University commits to working with RGRTA to maintain and increase transit access to the South Campus; and

5. The 2015 TIS, will review the need for a traffic signal at the East River Road/Laser Lab driveway intersection. If the 2015 TIS determines that a signal is not necessary, such need will be reviewed again in future TIS. If or when a traffic signal is required, the U of R will be responsible for installing a traffic signal and any other highway, signalizing or signage improvements that may be required by the permitting agency.

Conclusions

Based on the foregoing, the Town Board has determined that there are adequate protective measures proposed as mitigation along with plans for further study over time to monitor growth, with the goal to minimize or eliminate the potential traffic impacts resulting from this Action.

G. Utilities/Energy

Existing utilities will be extended to the site, including electrical, sanitary sewers, public water and drainage piping. Following completion of an RG&E substation on the north side of East River Road, and east of Kendrick Road, there will be adequate capacities to accommodate the future development of the South Campus, with some improvements to

be made by the Applicant. A summary of the impacts, mitigation measures and conclusions for each utility service follows:

Water Supply

Description of Impacts

Additional development on the South Campus will require additional water supply for domestic use and fire protection. The Water Supply Analysis Report provided in the S-DGEIS analyzed a portion of the study area for the anticipated first phase of South Campus development along East River Road.

Based on comments received from the Town, a revised water supply system analysis was completed for proposed South Campus development. Several meetings were held to discuss the analysis methodology to address the Town's concerns, including meetings with the Town Engineer and the Town's consultants, and with Monroe County Water Authority (MCWA).

MCWA completed additional flow tests on June 4, 2014 to support the water supply system analysis model work completed. MCWA ran its system wide model with the newly collected data to check the future flow conditions for the first phase of development in the South Campus. Its findings confirm that there is enough existing capacity to serve the first phase of development (Imaging Building) with a new 8" water main connection off Southland Drive. The University will complete that connection.

Future development after the Imaging Building will require improvements to the distribution system including but not limited to a 12" water main connection from Crittenden Road at the Lehigh Valley Trail to Murlin Drive, and an 8" connection from West Henrietta Road just south of East River Road with a 6" Pressure Sustaining Valve.

Mitigation Measures

1. In a letter dated July 8, 2014, MCWA provided a "Letter of Intent to provide Water Service to the University of Rochester South Campus". The letter from MCWA is included in Appendix F of the FGEIS. The MCWA stated that any future development will require MCWA approval and improvements to the distribution system including but not limited to the installation of the following:

    - A 12" watermain from Crittenden Road at the Lehigh Valley Trail to Murlin Drive; and
    - An 8" connection from West Henrietta Road just south of East River Road, with a 6" Pressure Sustaining valve (PSV) on the private side.

    The U of R will continue to work with the MCWA to develop a schedule regarding the implementation of these improvements to the water system; and

2. As each building in the South Campus is proposed, the water demand and pressure will be calculated and potential impacts to the supply system will be re-examined to ensure there is adequate supply (flow and pressure) without impacting flow and pressure to the adjacent neighborhoods. A complete water system evaluation report (suitable to the Town of Brighton) will be completed during the site plan application process and prior to any further development and as requested by the Town.

Conclusions

A hydraulic analysis will be conducted for each subsequent project located within the IPD District, as the results of the hydraulic analysis in the FGEIS only considered construction of the Imaging Building. If additional water supply system mitigation measures are needed in the future, it will be the University's responsibility to obtain approvals from the Town and MCWA and to implement the improvements.

Sanitary Sewer

Description of Impacts

1. Portions of the South Campus site are not located within a sanitary sewer district. The existing district must be extended or a new district formed before these areas can be served by sanitary sewers.

2. Based on the Preliminary Grading Plans and the depths of the existing sewer system, the existing sanitary sewer system layout is well positioned for future growth. In the southernmost portion of the site where the grades are the lowest, it may be determined that a sanitary pump station would be needed to provide service to the nearest existing private sewer lateral.

Mitigation Measures

1. The University will pursue a new sanitary sewer district or extensions to the existing sanitary sewer district upon approval of the South Campus property rezoning in order to ensure that the entire South Campus property is part of a sanitary sewer district.

2. Site Utility Analysis will be conducted during the site plan review process for each proposed development phase/project.

3. If it is determined that a sanitary pump station is needed, a private pump station will be installed, owned, maintained and operated by the University of Rochester.

Emergency Access/Easements

Description of Impacts

Emergency access to the rezoned property from the Lehigh Valley Trail is needed and has been identified. The proposed emergency access must cross lands owned and by RG&E.

Mitigation Measures

1. The emergency access will be designed to be consistent with NYS Fire Code requirements;

2. The timing of the emergency access road will be installed prior to any residential development within the South Campus property or as required by the Town Board as part of the IPD process. The specific timing will be part of the Site Plan review process for future phases which focus on development of the southern half of the South Campus Site, and include any residential components;

3. Coordination with RG&E regarding the necessary cross access easement is being handled currently in an effort to ensure that the easement is in place prior to the triggers which will necessitate the construction of the emergency access drive; and

Conclusions

The mitigation measures proposed for the emergency access easement adequately address the impacts.

Electricity, Natural Gas, Telecommunications

Given that no adverse environmental impacts have been identified for electrical, natural gas or telecommunication services, no mitigation is required.

H. Community & Neighborhood Character

Description of Impacts

The Concept Plan for the South Campus portion of the Master Plan was re-drafted to increase the residential component and decrease the potential areas of the institutional building component.

1. The original concept plan in the DGEIS did not include proposed residential square footage. The Master Plan added approximately 476,400 square feet of residential buildings, which will increase the housing area in the south campus from 338,600 to 815,000 square feet; and

2. As compared to the concept plan in the DGEIS, the Master Plan proposes a reduction in the planned build out of these types of uses by approximately 682,000

square feet. These building locations are proposed along the Rte. 390/E. River Road corridors, away from the residential neighbors and streets. Anticipated building heights are 4-5 stories high maximum.

Mitigation Measures

1. The University Campus Master Plan reflects a conscious effort to lessen impacts to the adjacent neighborhood through a reduction in the intensity of the proposed development. The South Campus boundary which runs along the north side of the properties fronting Southland Drive has been used as a limit to the zone in which institutional uses will be developed;

2. A 100 foot buffer has been placed along the campus edge adjacent to residential uses, consistent with the current IPD regulations. Preservation of this natural buffer will help to screen future development from existing residences. Additionally, these buffers will be enhanced, where needed, by a landscaped buffer planting plan to increase the effectiveness of the buffer edge screening. The IPD Ordinance will include language to ensure the protection of the buffer. It is anticipated that additional plantings in the buffer are will be added over time as deemed necessary during the site plan review process for future buildings. In addition, a residential buffer zone has been added which limits maximum building heights to 35 feet within 200 feet of residential property line borders;

3. The University will work with the Town Board to fashion an appropriate amenity that will serve to reduce fiscal impacts to the Town's budget and impact on Town services caused by the build out of the South Campus;

4. The Master Plan will integrate with the adjacent neighborhood by connection to the existing sidewalk system along the south side of East River Road, and the Lehigh Valley Trail. Following reconstruction of the Kendrick Road Bridge, the South Campus site will have improved accommodations for pedestrians and bicyclists to the vast off-road trail network found throughout the area.

Conclusions

The mitigation measures proposed adequately address the community and neighborhood character impacts identified to date.

I. Police, Fire and Ambulance

Description of Impacts

The development of the South Campus over time will increase the need for and demand on police, fire and ambulance service providers, especially with the proposed increase in residential use.

Mitigation Measures

1. The University's 40+ sworn Peace Officers help to reduce the number of calls that require Town services (fire, police). At the Public Hearing on March 26, 2014, Town of Brighton Police Chief Henderson addressed a comment about the cooperative agreement between the Town and the University. Chief Henderson stated that he was part of the original committee that met with the University president that talked about changing from security staff to a police officer status. He noted that there is a memorandum of understanding in place between the Brighton Police Department and the University. He said there is very good communication, and great interagency cooperation. The two forces train together. He also said there are not a lot of calls in this part of the University, and not a lot compared to Brighton overall, West Brighton specifically; and

2. To account for impacts on police, fire, ambulance, and other municipal services, the University of Rochester has offered an amenity under incentive zoning to offset the tax-exemption impact. The framework offered for the proposed amenity would be an annual deposit based on $.45/gsf for new development into one or more trust funds set up by the Town.

Conclusions

The amenity proposed adequately addresses the identified impacts to police, fire, ambulance and other municipal services.

J. Schools

Description of Impacts

During the review process, the potential impact to the Rush Henrietta School District was raised, regarding whether there would be an increase in the number of school-aged children.

Mitigation Measures

The proposed occupancy for future residential units is student dormitories, life-long learning (for retired faculty and alumni), and short term housing for hospital and clinic patients and visitors (like Ronald McDonald and Hope Lodge programs). Therefore, no increase to school-aged children is anticipated. In the event that the plan for residential development changes in a manner that will increase the number of school-aged children, the University will agree to negotiate an agreement with the Rush Henrietta School District to mitigate the increased cost to the School District of additional students.

Conclusions

The mitigation proposed adequately addresses the identified impact to schools.

K. Recreational Opportunities

Description of Impacts

The Master Plan concept site plan has been updated to incorporate preservation of old growth habitats. Avoidance of future growth in those areas, and maintaining the woodlots and adjacent wetland areas provides further long term preservation of significant natural resources and habitat. Residential development will potentially impact the recreational services provided by the Town of Brighton. Mitigation Measures

1. Formalized trails are not being proposed through the woodlot areas in order to protect wetland areas, the areas of old growth habitat, and considerable areas of woodlot will be preserved to maintain natural habitat for the benefit and enjoyment of those living and working on the South Campus site;

2. A connection to the Lehigh Valley Trail will be available at East River Road, which will allow direct access to the surrounding trail network; and

3. As buildings along Murlin Drive are constructed, a sidewalk and/or shared use trail will also be developed to ensure that the South Campus development fully accommodates pedestrians and bicyclists.

4. Impacts from residential development on the Town's recreational services will be mitigated by the Parkland Trust fee to be paid prior to obtaining a permit for construction.

Conclusions

The mitigation measures proposed adequately addresses the identified impacts to recreational opportunities.

L. Growth Inducement Aspects

Description of Impacts

No spin-off development is anticipated from the facility improvements and further development of the South Campus. The adjacent areas in the vicinity of the South Campus are already served by public water and sanitary services, and upgrades to the utility services needed to fully develop the Master Plan are relatively minimal. Much of the area adjacent to the site is already developed or designated parkland. Therefore, the development of the South Campus is not expected to trigger additional growth in the area.

Mitigation Measures

Given that no adverse growth inducement aspects have been identified, no mitigation is required.

Conclusions

The development of the South Campus is not expected to trigger additional growth in the area.

Public Input Process

The Town Board, as Lead Agency, hosted public hearings. The Town Board has determined that all required legal notices and mailings were given, and that the public was properly informed of the opportunities to provide input. The Applicant also hosted a number of neighborhood meetings and Public Informational meetings throughout the lengthy review process. Accordingly, there were many opportunities for the public to hear about the Applicant's intentions and have a dialogue with the Applicant and Town officials, outside of the required public hearing process. The Town Board has determined that all appropriate and legal requirements regarding public input have been met or met and exceeded.

SEQRA Procedure

The Town Board, upon review and reflection, has determined that it has complied with the letter, spirit and intent of the SEQRA regulations.

As documented throughout the FGEIS, key potential impact elements will continue to be monitored incrementally over time as growth in the South Campus continues. Those elements include but are not limited to:

- Tree Planting in the residential buffer areas;
- Management of Stormwater Drainage;
- Traffic impacts and mitigation to the roadway network;
- Water Supply System; and
- Sanitary Sewer System.
- Active Transportation

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Draft, Supplemental Draft and Final Generic EIS and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;

2. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids potential adverse environmental effects to the maximum extent practicable; including the effects disclosed in the generic environmental impact statement; and

3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, potential adverse environmental effects revealed in the generic environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigation measures which were identified as practicable.

Town of Brighton Town Board
Name of Agency

Ramsey A. Boehner, Environmental Review Liaison Officer

Name and Title of Responsible Official

Signature of Responsible Official — Date: 10/22/19

2300 Elmwood Avenue, Brighton, NY 14618
Address of Agency

South Campus IPD Regulations

A. Purpose Statement

In accordance with the recommendations of the Town of Brighton's 2000 Comprehensive Plan, and consistent with the provisions contained in Chapter 203 (District Use Regulations), Article XIX of the Town's Comprehensive Development Regulations, this district is intended to recognize and permit the unified and orderly development of cultural, educational, and/or medical related institutions and uses within the South Campus of the University of Rochester (the "University") in order to support and enhance its benefit to the community. This district allows flexibility in planning and development by evaluating and accommodating incremental growth and change, thereby promoting compatibility with adjacent, non-institutional districts. This district provides for Town administrative oversight while providing a mechanism for adjusting to the University's changing development consistent with the regulations set forth herein.

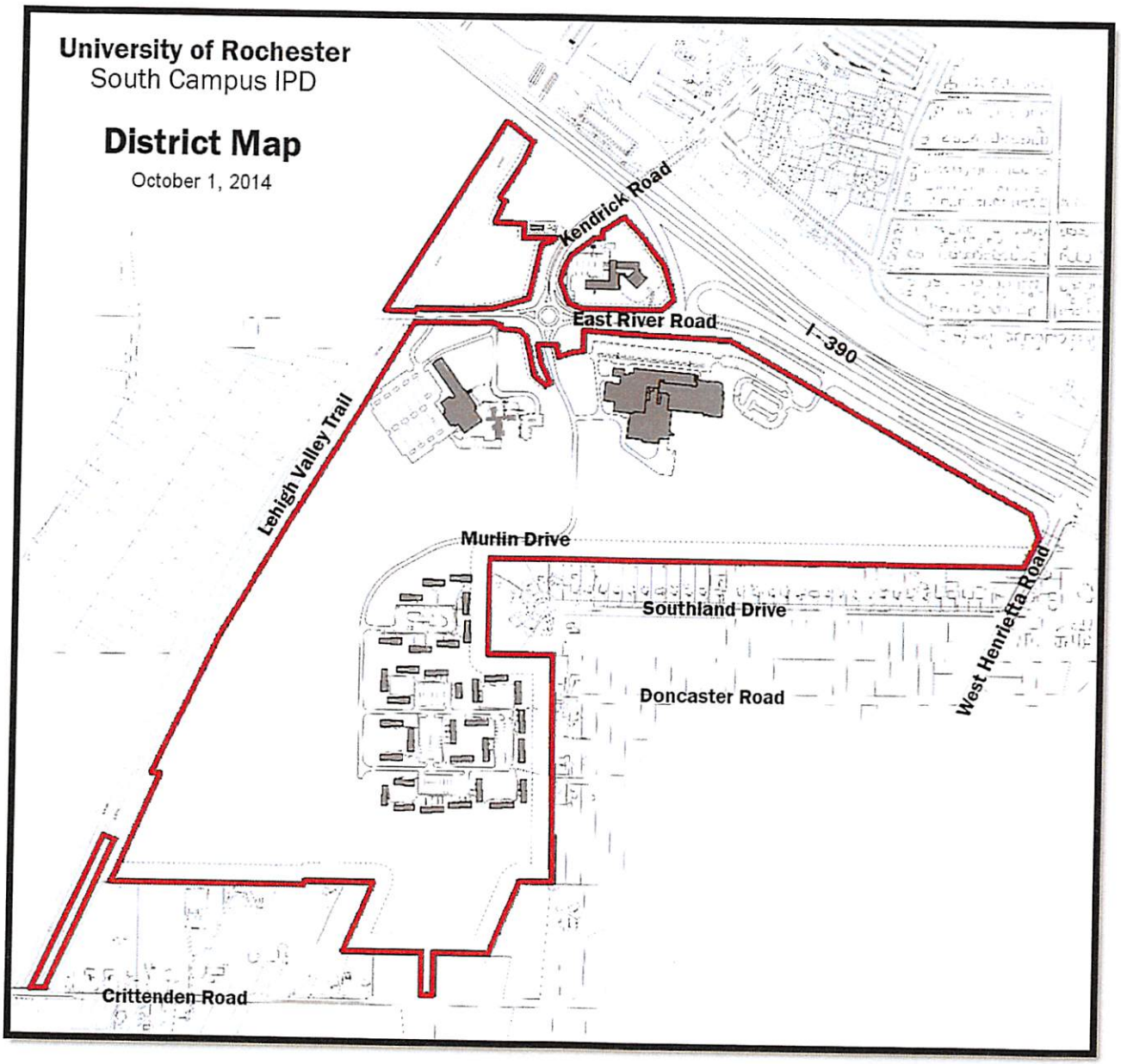
This South Campus IPD Regulations (the "Regulations") shall supersede and replace in their entirety the following Articles/Sections of the Town's Comprehensive Development Regulations ("CDR"): Chapter 203 (District Use Regulations) Article XIX; Chapter 205 (District Bulk Regulations) Article I, Section 205-9; Chapter 205 Article II, Sections 205-12, 205-14 and 205-22; Chapter 205 Article III; Chapter 207 (Supplementary Regulations) Article I, Section 207-6; and Chapter 207 Articles V and VI, with respect to the proposed University South Campus Institutional Planned Development (the South Campus IPD).

In all other respects the CDR shall be applicable to the South Campus IPD as appropriate, provided, however, in the event of any conflict between provisions of the CDR and the Regulations, the Regulations shall control.

B. Property Description

The South Campus IPD consists of approximately 180 acres of land in the Town of Brighton currently owned by the University which land is bounded on the north by Interstate Route 390, on the west by the former Lehigh Valley Railroad right-of-way (now the Lehigh Valley Trail), on the east by West Henrietta Road, and on the south by Southland Drive and Crittenden Road (the "South Campus"), also referred to herein as the "District," which is depicted below in the District Map, Figure 1.

Figure 1



C. Development in the South Campus IPD

1. Density and Creation of Use Zones

The total square feet of all buildings within the South Campus shall not exceed 2,535,812 gross square feet. Development will fall generally into two categories according to the two use zones in this district. The zones are Institutional/Non-residential and Residential. The maximum development in each sub area is:

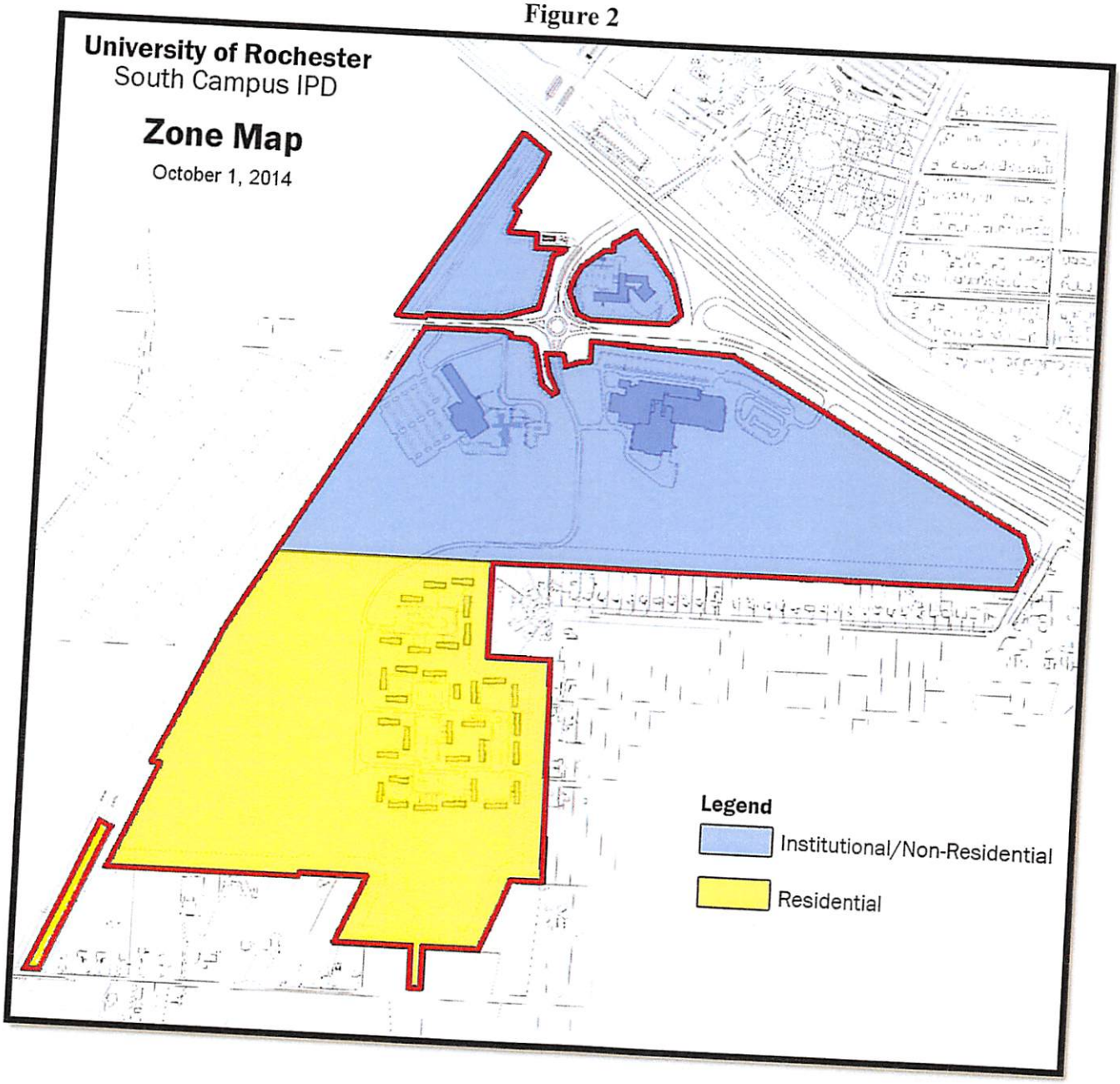
(a) Institutional/Non-residential uses located in the northern portion of the IPD (north of the parcel boundary line which parallels Southland Drive)

with a total development area of 1,720,812 gross square feet. Total area of parking structures shall not be included in total development area limit.

(b) Residential uses located in the central and southern portions of the IPD (south of the parcel boundary line which parallels Southland Drive) with a total development area of 815,000 gross square feet.

(c) The use zones are depicted graphically below in the "Zone Map", Figure 2.

Figure 2



2. Protected Zones and Wetlands. Certain areas of the South Campus are to be considered protected zones. These include areas identified as old growth habitat, and the required landscape buffer adjoining neighboring residential districts. Disturbance in these areas is to be avoided to the maximum extent practicable and such disturbance that is necessary shall be consistent with the following:

   (a) Old growth habitat shall not have buildings or paving. Trails are permitted, provided that they shall be constructed with minimal disturbance to habitat, using pervious materials.

   (b) Landscape buffer shall not have buildings or paving except for pedestrian access pathways from Doncaster and Furlong Roads onto the South Campus. Utility crossings are permitted if no other practical route is available [such as at the North end of Sylvia Road]. Buffer area: 100 feet.

   (c) The wetlands on the South Campus include both Federal and NYSDEC regulated wetlands. The Western wetlands adjacent to the Lehigh Valley Trail are protected and to be preserved. The Eastern and Northern wetlands are protected but may be subject to modification or relocation in accordance with the applicable State or Federal regulations. Naturally occurring changes to the wetlands will be monitored by the University and assessed during projects that require site plan review.

   (d) The protected zones are depicted graphically below in the "Protected Zone Map", Figure 3. Wetlands as delineated in 2013 are depicted graphically in Figure 4.

   (e) Any disturbance to Protected Zones or Wetlands shall be reviewed and approved by the Planning Board.

Figure 3

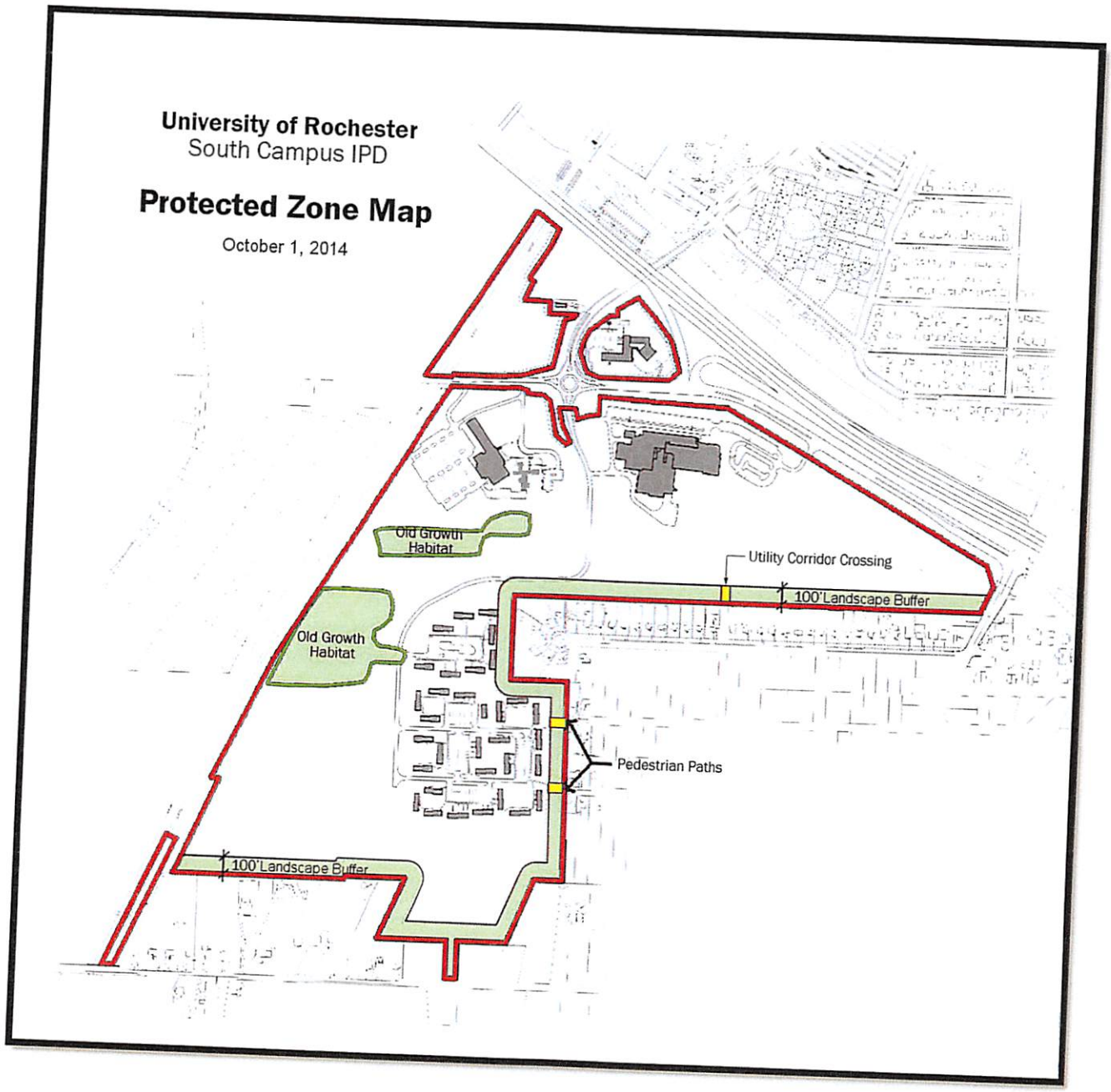
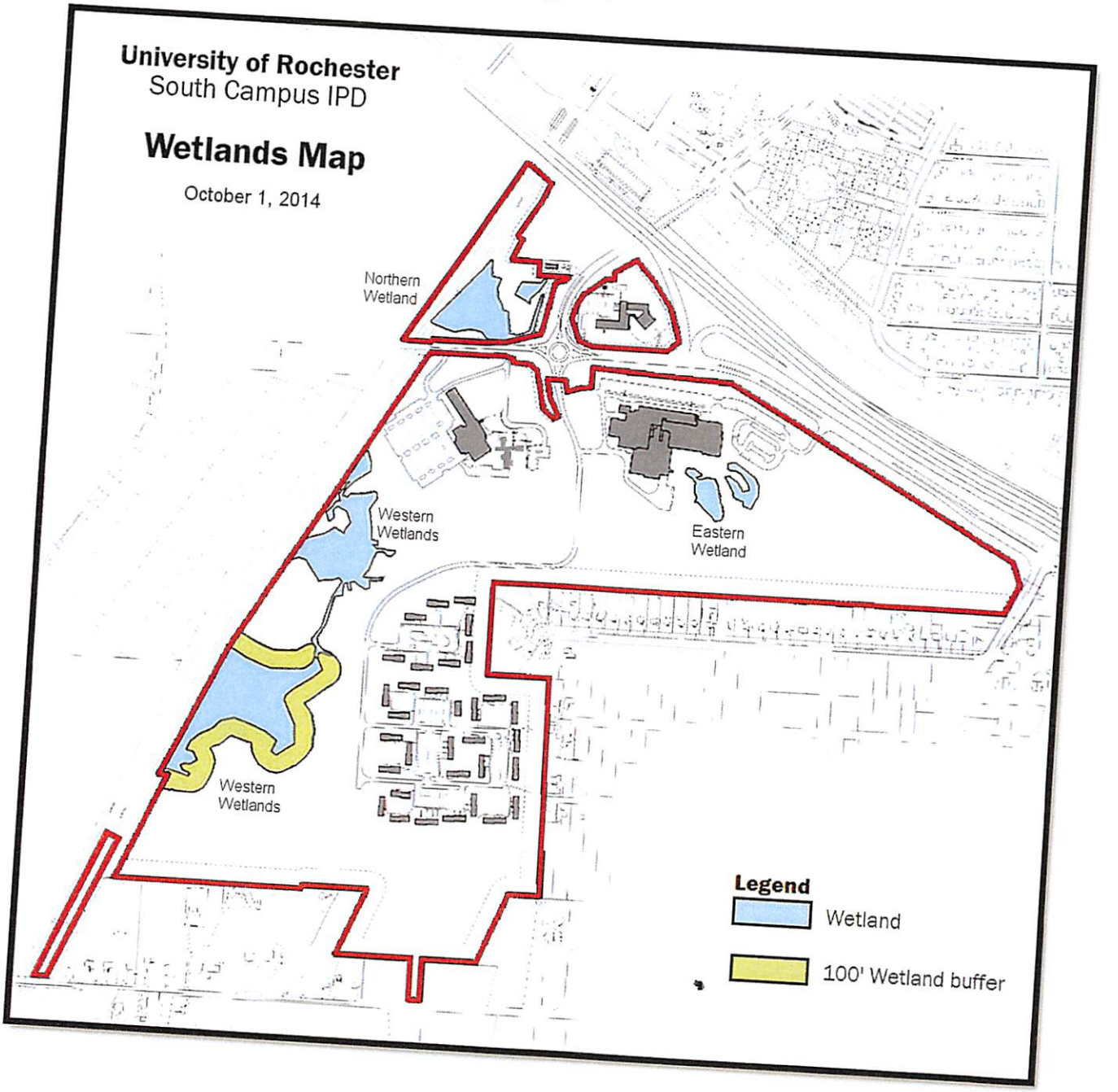

University of Rochester
South Campus IPD
Protected Zone Map
October 1, 2014
Old Growth Habitat
Old Growth Habitat
Utility Corridor Crossing
100' Landscape Buffer
Pedestrian Paths
100' Landscape Buffer

Figure 4



3. Lot Coverage. The maximum lot coverage in the South Campus, including buildings, accessory structures, and paved areas, shall be 3,920,400 square feet (90 acres). Where development is deemed appropriate for programmatic needs and impacts to protected zones or wetlands will occur, regulatory requirements shall be fulfilled and maximum lot coverage will limit development.

D. Uses

The following uses are permitted, conditionally permitted or expressly prohibited within the South Campus Institutional Planned Development District:

1. Residential Zone

(a) Permitted Uses.

[1] Dormitories for single students; town homes and apartment buildings for residential housing for retired faculty, staff, and alumni, and short term tenants such as families of patients receiving healthcare treatment.
[2] Current use of Whipple Park as graduate and family housing with 18 triple units and 232 double units.
[3] Community centers for residents to meet and congregate.
[4] Nursing or convalescence homes.
[5] Accessory structures in support of residential facilities, subject to the requirements of CDR 207-6 Accessory buildings.
[6] Dining facilities for residents.
[7] Indoor fitness centers.
[8] Playgrounds.
[9] Other similar uses as determined and approved by the Planning Board.

(b) Conditional Uses

[1] Outdoor recreational facilities including pools, fitness centers, playing fields – such as tennis, baseball, soccer – and supporting structures such as dugouts, fencing, and bleachers intended for faculty, staff, and students. The Planning Board shall determine if the proposed recreational use is appropriate considering the location, scale and internal access through the site plan review process.
[2] Accessory uses which are substantially incidental to the primary use, not open to the general public, and limited to barbershops, beauty shops, cafeterias, small food vendors, pharmacies, newsstands, bookstores, bank branches, dry-cleaning pickup, travel agencies, quick-copy services and child daycare facilities. The Planning Board shall determine if the proposed accessory use is appropriate considering the location, scale and internal access through the site plan review process. No external signage or advertising shall be permitted for any accessory use.

(c) Prohibited Uses

[1] Stadiums and event arenas serving large audiences.

[2] All uses listed in (D)(2), Institutional Zone, below.
[3] All other uses not specifically listed in (a) or (b), above.

2. Institutional Zone

(a) Permitted Uses

[1] Office buildings including University administrative, computational research.
[2] Instructional facilities.
[3] Libraries.
[4] Museum and cultural facilities.
[5] Medical and health-care facilities, such as clinical facilities, diagnostic and treatment centers, medical practices, skilled nursing facilities, acute-care facilities, health-related care facilities and other elderly-care complexes.
[6] University maintenance facilities including University vehicular repair and service.
[7] Central utility facilities, limited to electrical distribution and emergency power generation facilities necessary to serve the South Campus IPD only.
[8] Parking structures.
[9] Accessory structures in support of principal buildings, subject to the requirements of CDR 207-6 Accessory buildings.

(b) Conditional Uses

[1] Small scale performing arts facilities.
[2] Accessory uses in support of any of the permitted uses, such as small free-standing retail services including convenience store, small food vendor, bookstore, bank branch, barbershop, beauty shop, pharmacy, newsstand, dry-cleaning pickup, travel agency, quick-copy service, child daycare facility. The Planning Board shall determine if the proposed accessory use is appropriate considering the location, scale and internal access through the site plan review process.
[3] Research laboratories for instruction, research and development involving biological, chemical, radiological, or energy studies.
[4] Small scale pilot manufacturing associated with research activities.
[5] Accessory communication structures.
[6] Transmission antennas.

(c) Prohibited Uses

[1] Stadiums and event arenas serving large audiences.

[2] Biosafety Level (BSL) 3 and 4 labs as defined by the US Centers for Disease Control and Prevention (CDC).

3. In any event, as contemplated by CDR Chapter 203 (District Use Regulations), Article XIX, , all Permitted Uses and Conditional Uses within the South Campus IPD shall be owned and/or controlled by, or for the purposes of, the University of Rochester (or similar institution) and shall be consistent with one or more of the following:

(a) University and/or college related uses.
(b) Medical and/or health-care facilities and related uses, such as skilled nursing facilities, acute-care facilities, health-related care facilities, and other elderly-care facilities.
(c) Other uses which are owned, operated, leased, or otherwise controlled by the University or any other university or college.
(d) Uses in support of any of the above.

E. Procedure

1. In accordance with the procedures set forth under Chapter 217.9, Article 3 of the Town Code the South Campus IPD shall require site plan approval from the Town Planning Board in the same respects as developments in other Districts.

2. Any new conditional use or expansion of a conditional use in the South Campus IPD shall require a conditional use permit from the Town Planning Board in accordance with the procedures set forth under Chapter 217, Article 2 of the Town Code.

3. All development in the South Campus IPD must comply and be operated and maintained in accordance with applicable federal and state laws and regulations, as well as any applicable performance standards of the Technology and Office Park District set forth under Chapter 203, Article 22 of the Town Code.

F. Bulk Regulations

Bulk regulations for the South Campus IPD shall be as follows:

1. Minimum Building Setback Requirements:

(a) Front yard: 20 feet.

(b) Side yard: 10 feet.

(c) Rear yard: 20 feet.

(d) Along Western boundary: 25 feet.

2. Parking Setback Requirements:

(a) 10 feet from lot lines.

(b) May abut landscape buffer (no setback).

3. Accessory structures to be less than 500 gross square feet.

4. Building Height:

(a) Maximum height of principal buildings in the Residential Zone shall be measured from final grade and shall be as described herein and depicted below in the "Maximum Building Heights Map", Figure 5:

[1] In the zone between 200 feet and 100 feet from all boundaries with residential districts, a maximum height of 35 feet with the exception of along the West property boundary.

[2] In the site area South of the property boundary parallel with Southland Drive a maximum height of 50 feet, except in the zone between 200 feet and 100 feet from all boundaries with residential districts where the maximum height will be 35 feet exclusive of the West property boundary.

[3] Building height shall be as defined in the CDR.

(b) Maximum Height of principal buildings in the Institutional Zone from average final grade and including all building components and accessory structures except lightning rods and Federal Aviation Administration signals shall be as described herein and depicted below in the "Maximum Building Heights Map", Figure 5:

[1] In the site areas north of East River Road, a maximum height of:

[i] 90 feet East of Kendrick Road.
[ii] 40 feet West of Kendrick Road.

[2] In the site area south of East River Road and 200 feet north of the property boundary parallel to Southland Drive from West Henrietta Road to the western corner and 200 feet west of the Southland Drive property boundary northwest corner along the line of the

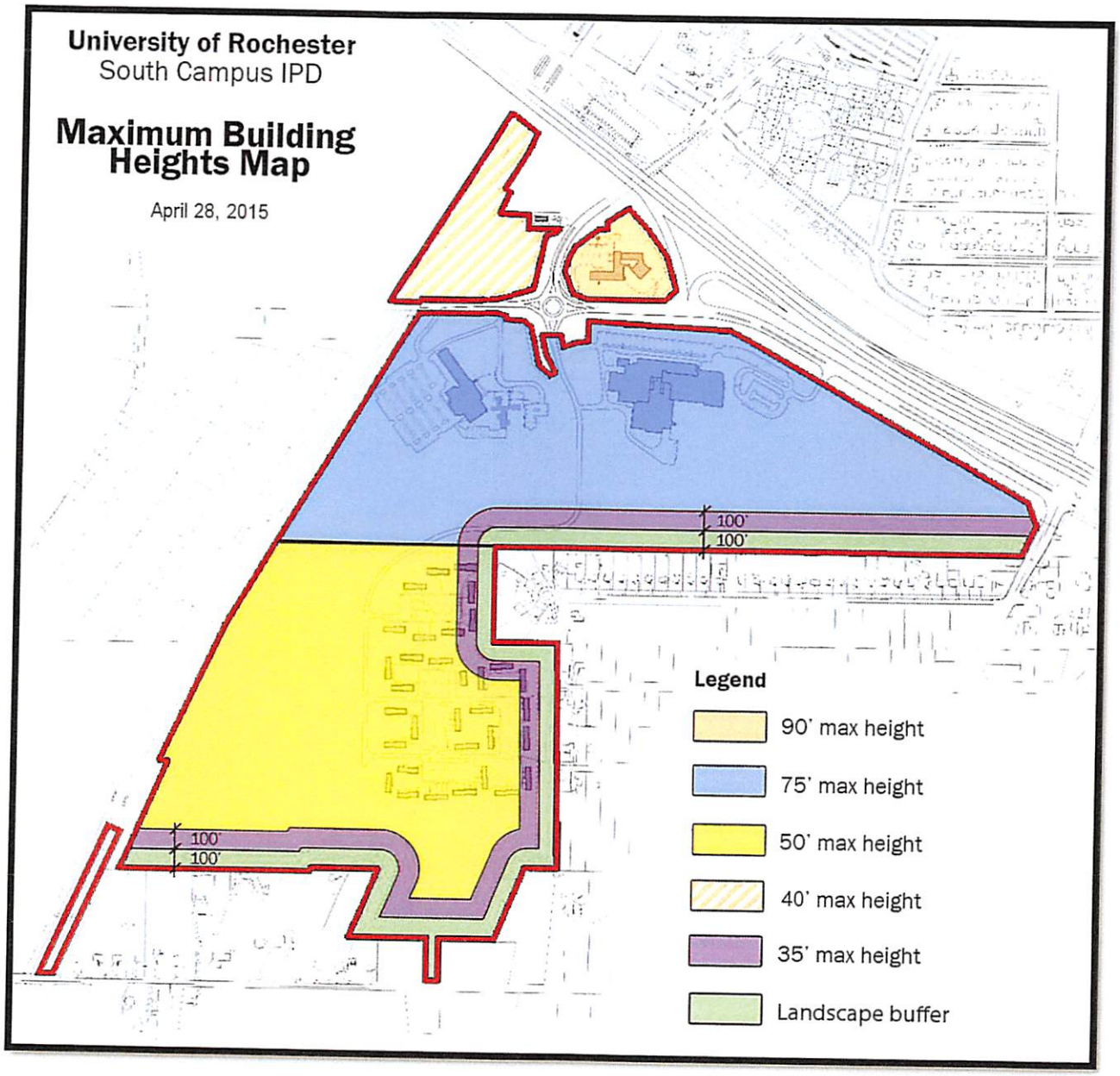
Southland Drive property boundary to Lehigh Valley Trail property boundary, a maximum height of 75 feet, except in the zone between 200 feet and 100 feet from the boundaries along Southland Drive where the maximum height will be 35 feet.

[3] Building height shall be as defined in the CDR.

5. In reviewing any site plan for new or expanded development within the South Campus IPD, the Planning Board shall have the authority to adjust any bulk regulations set forth herein upon making the finding that such adjustment shall not produce an undesirable change in the character of the surrounding neighborhoods or create a detriment to nearby properties, and that such waiver shall not unreasonably disrupt the overall purpose and intent of the South Campus IPD. Any adjustment shall be within 10% for setbacks or 5% for building height; provided, however, that the Planning Board shall not have the power to adjust the overall area or density restrictions within the South Campus IPD, or increase the maximum height restrictions within the zone 200 feet from all boundaries with residential districts exclusive of the West property boundary.

6. Unless otherwise provided herein, any changes to the use or bulk requirements shall require an amendment of these Regulations by the Town Board.

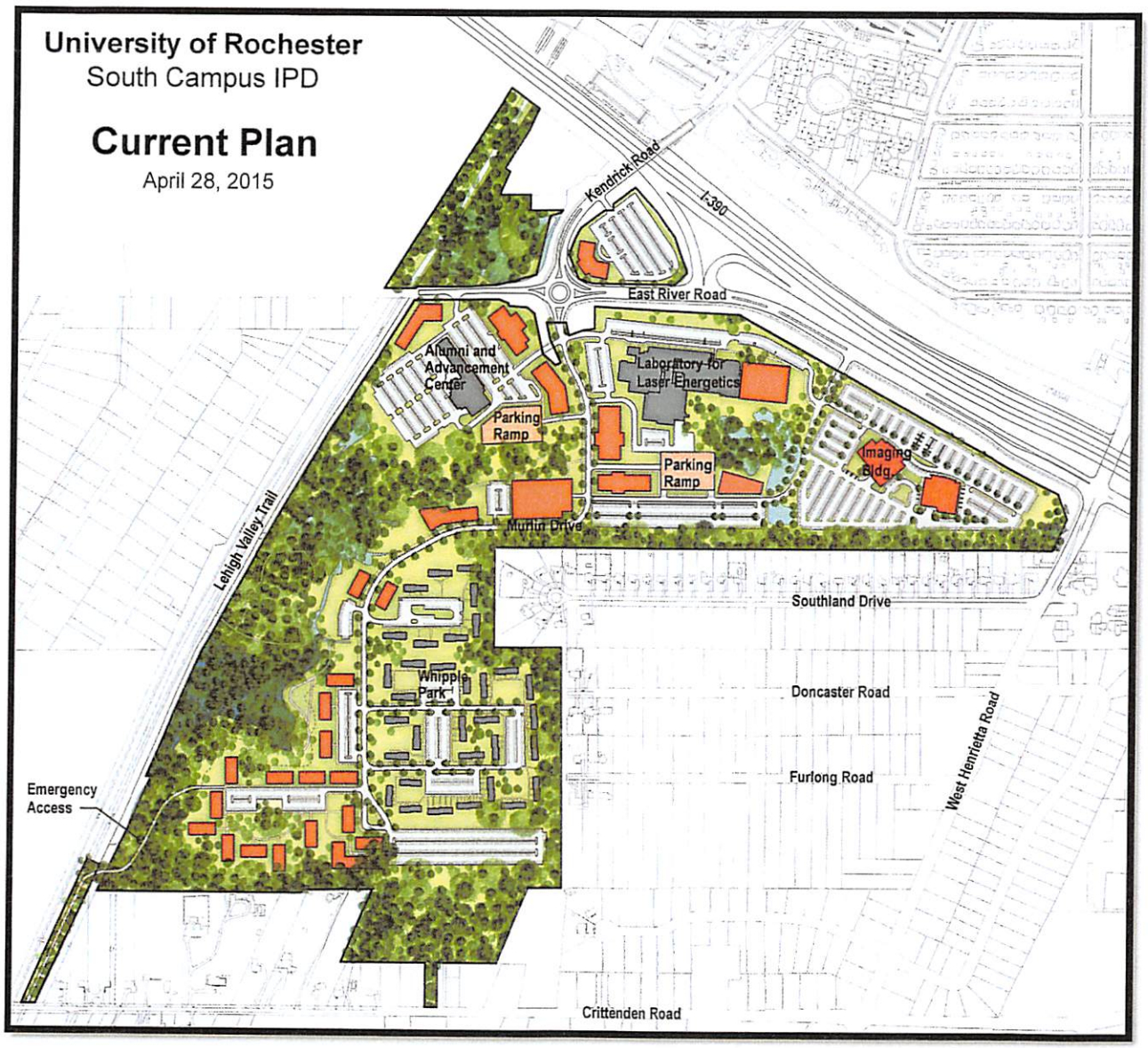
Figure 5



G. Current Plan

The Current Plan below, Figure 6, provides a conceptual framework and pattern for locating buildings, parking, streets, formal landscaping and wooded areas. The intent is to minimize lot coverage and preserve old growth habitat and wetlands wherever practicable. The Current Plan shall be subject to modification based on changes proposed by the University and approved by the Planning Board.

Figure 6



H. Architecture.

Applications for new building construction shall be reviewed by the Architectural Review Board as otherwise required under the Town Code and such review shall be guided by the following principals and set forth in CDR Chapter 221:

1. Building Placement

   (a) Buildings and parking should be placed to maintain as much of the existing wooded areas as possible and to define interstitial spaces in a meaningful way. Open space should be designed to reinforce the natural setting.

(b) Buildings should remain parallel and perpendicular to adjoining streets if possible when they are immediately adjacent. Buildings separated from streets by parking should be placed to respond to programmatic needs and access.

2. Façade Composition

(a) Facades should be organized through the use of regulating lines.

(b) Facades should contain a repetition of similarly proportioned elements of structure, bay and window, solid and void.

(c) Repetition of elements should be moderated in order to avoid monotony, and to weave elements into multiple rhythms that enhance visual interest.

(d) Window pattern and other fenestration should have a mix of pattern of verticals and horizontals to create a tapestry of pattern across the façade.

(e) The fenestration should be modulated across the façade with vertical bays, glassy corners, and a balance of solid to voids, as appropriate.

(f) Entrances should be prominent with a high level of transparency, arcades and porticoes as appropriate.

(g) All parking structures should be designed to blend in as much as reasonably possible with the surrounding buildings, through the appropriate use of compatible materials, fenestration pattern, and façade composition.

3. Massing

(a) Massing should break down buildings into smaller parts, through the use of: base (human scale, transparency, activity at the ground levels), middle (how the building rises from its base) and top (how the building meets the sky); tower elements; vertical divisions or bays (central, intermediate and end), to minimize its perceived height.

(b) The base should reflect the human scale of pedestrians.

4. Height

(a) The visual impact of upper stories should be reduced through the use of material, color and pattern.

5. Materials

(a) The character of the buildings should respond to and complement the palette of materials and colors present on the South Campus.

(b) Discouraged materials and practices:

[1] Large expanses of cast-in-place concrete, metal panel, "utility" brick and glass block are generally discouraged as materials for exterior walls.

[2] Unbroken or modulated bands of glass, brick, or metal are discouraged.

[3] Mirrored curtain walls are not permitted.

I. Development in Woodlot EPOD areas

Development is permitted in Woodlot EPODs subject to obtaining an EPOD permit from the Town Planning Board and complying with any other requirements as otherwise required under the Town Code. Such development shall comply with Woodlot EPOD regulations. Tree replacement shall comply with Woodlot EPOD regulations. Saplings are permitted as tree replacements with the approval of the Planning Board.

J. Landscaping and Buffering

1. Landscapes are of central importance at the University of Rochester. The South Campus has natural features that are valued by the University and the community such as the wetlands and the old growth habitats. Development within the South Campus will encourage connecting natural features, aggregating and enhancing natural landscapes, and ensuring landscaped areas are safe, active spaces for people to enjoy in a variety of ways even as they enhance the overall character of the District. Use of native plants will maintain viable habitat for native fauna. Tree-lined pedestrian paths and vehicular boulevards will transition from formal development to the informal natural old growth habitats and landscape buffer between the District and the adjacent residential neighborhood. The landscape buffer serves to maintain natural habitat, screen the University's development from the neighbors, and maintain the natural character of the District's edges.

2. Landscaping in Parking Areas: Parking areas shall be landscaped to maintain the natural, village campus character of the district while meeting space counts and minimizing lot coverage. Trees and shrubs will be used around the parking area perimeter and along access lanes to and within lots. Landscaping within the lot should take into account ease of snow plowing and provide for appropriate snow storage at the end of runs. Curbed islands are to be avoided. Large, uninterrupted expanses of parking should be broken into smaller lots. Green storm water techniques shall be utilized to the maximum extent possible. Focusing trees,

shrubs, and other plantings at perimeters as described above will allow natural landscape corridors between planted and wooded areas.

3. Landscape Buffer: Landscape buffering will consist of infill planting in this zone to further limit views of new development from neighboring residential properties and shall be required as part of the site plan review process.

   (a) Screening is to be opaque for all seasons. Infill plantings for screening will be native evergreens. At full maturity, opaque screening is opaque from the ground to a height of at least six feet, with intermittent visual openings from the opaque portion to a height of at least 20 feet, and is intended to create a strong impression of spatial separation. Infill plantings not necessary to create an opaque screen may be native deciduous species.

   (b) Disturbance of the buffer will be limited to installation of infill plantings and periodic thinning and woodlot management to ensure the overall long term health of new plantings and the entire buffer. Removal of any trees or brush for thinning or woodlot management purposes may not require planting replacements provided an opaque screen is maintained as reviewed and approved by the Planning Board.

4. In reviewing any site plan for new development within the South Campus IPD, the Planning Board shall have the authority to waive any landscaping requirements set forth herein upon making the finding that such waiver shall not produce an undesirable change in the character of the surrounding neighborhoods or create a detriment to nearby properties, and shall not unreasonably disrupt the overall purpose and intent of the South Campus IPD.

6. Landscaping Plan review and approval shall be required as part of any site plan approval.

   (a) All landscaping plans shall contain the following information:

      [1] A title block with the name of the project, the name of the person preparing the plan, a scale, North arrow and date.

      [2] All existing significant plant materials on the site.

      [3] All existing significant plant materials to be removed or relocated. As a guide to determining significance, all plant materials of a caliper of five inches or greater measured at four feet above grade shall be included and the function of all existing plant materials shall be considered, such as providing a screen or buffer, providing a public face (e.g. a street tree), performing a water quality

function (e.g., materials along streams or drainage swales) or providing soil stabilization on sloped areas of the site.

[4] All existing and proposed structures on the site.

[5] Topographical contours at two-foot intervals.

[6] Details of any berms, walls or other structural screening devices.

[7] A plant list including all plant materials to be used keyed to the plan, using both common and botanic names, the quantity of materials used, the size of plant or plants, the ultimate size of plant materials at maturity, the root treatment and the quality of the plant materials to be used. Quality shall be consistent with American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C.

[8] Landscape design, including location and spacing of each plant to be planted, shall be shown to scale, as well as methods to be used in welling, staking, guying, mulching and wrapping; ground cover to be used; and the screening of any utility boxes where they appear at or above ground level.

(b) A Letter of Credit shall be required by the Planning Board as security for completion of all landscaping required as part of the site plan approval, in an amount reasonably determined by the Town to be sufficient for such purpose.

(c) All landscaping plans shall be subject to review and recommendation by the Conservation Board, prior to approval by the Planning Board during site plan review.

K. Parking and Loading

1. Off-Street Parking and Loading shall comply with the following:

(a) There shall be no minimum parking requirements stipulated herein. Parking shall be provided based on a projected demand analysis and overall parking management plan for the University to prevent frequent on-street parking by users and employees.

(b) For medical and health-care facilities, sufficient parking and loading facilities shall be provided to accommodate the normal activities and uses within the district.

(c) Offsite parking outside of the district will be allowed. Parking facilities within this district shall not be used to accommodate parking needs from users in other offsite locations. The required number of off-street parking spaces shall be determined by the Planning Board during site plan review based on the need to prevent frequent on-street parking by users and employees.

(d) Parking and loading shall be not be located within the buffer area and shall require review and approval by the Planning Board.

L. Signs

The South Campus is both part of the one University made up of many parts and is unique in its own right. Signage throughout the South Campus IPD will complement signage on the other campuses and as appropriate have its own identifiable characteristics. Signage for medical uses will be most similar to signage at the Medical Center campus. Signage for academic uses will be most similar to signage at the River Campus. Signs are to be both minimal in size and number while still achieving the goal for which they are intended. Maintaining a unified character among all sign types with consistent placements in a meaningful hierarchy is to be a goal of all signage.

New signs in the South Campus IPD will comply with the University Signage Plan for the South Campus and the sign types and bulk requirements as set forth below. The University Sign Plan shall be reviewed by the Architectural Review Board and approved by the Planning Board. The University will submit all updates to the Signage Plan to the Planning Board for review and approval. If new signs deviate from the Signage Plan, review and approval by the Architectural Review Board and the Planning Board is required.

Sign types and bulk requirements are as set forth below. Modifications to these are to be reviewed and approved by the Planning Board. Unless specified differently below, any sign that complies with these requirements and the approved Signage Plan is subject only to administrative review and obtaining a building permit.

1. Vehicular Directionals on private drives within the District

Placement of vehicular signage must not obstruct sight lines for motorists or otherwise create an unsafe condition. The intent of this section is to provide wayfinding and identify places and buildings in keeping with the generally accepted standards of academic medical centers.

(a) Maximum height: 10 feet
(b) Minimum clearance under sign: 3 feet
(c) Maximum size: 40 square feet

2. Identification Signage

Identification signs identify the University, the District, a building or groups of buildings, major programs, private drives, and places or items of special interest.

(a) Gateway Sign.

Gateway signs are to mark prominent edges or corners of the University property and mark arrival at the University along significant transportation routes. They are to be substantial in presence but modest in execution. The use of lighting, either internal or external, is permitted. The size, location, lighting and design of the gateway signage shall be reviewed by the Architectural Review Board and approval by the Planning Board. A maximum of 2 gateway signs shall be allowed.

(b) Monument Signs.

Monument signs are to mark groups of buildings, major programs, and prominent individual buildings. They are to be secondary to gateway signs. They may be ground mounted or post and panel. These signs may be lit either internally or externally. The size, location, lighting and design of monument signage shall be reviewed by the Architectural Review Board and approval by the Planning Board. A maximum of 5 monument signs shall be allowed.

Sizes generally shall not exceed the following:

[1] Height: 8 feet if ground mounted; 12 feet if post and panel
[2] Width: 20 feet if ground mounted; 12 feet if post and panel
[3] Size: 160 square feet if ground mounted; 140 square feet if post and panel

(c) Building Identification Signage

[1] Free-standing signs at the street are to be seen by both motorists and pedestrians. These signs may be lit either internally or externally.

[i] Maximum height: 7 feet
[ii] Maximum size: 30 square feet
[iii] Maximum number: one sign per access road/drive

[2] Free-standing signs at building entrances are to be seen by pedestrians. These can list names, directory information, and directional information for pedestrians.

[i] Maximum height: 6 feet
[ii] Maximum size: 20 square feet
[iii] Maximum number: one per major building entrance

[3] Building face signage is to identify destinations frequented by the general public such as an outpatient medical facility. These signs may include either the University of Rochester logo or the UR Medicine logo and name for the building or major program contained therein. These signs may be lit either internally or externally.

[i] Maximum size: 150 square feet per building façade; two faces maximum
[ii] Maximum text height: 30 inches
[iii] Maximum number: two naming signs and one brand/logo element per building façade

[iv] Maximum height above grade: shall be no higher than the building parapet.

3. Pedestrian Wayfinding. These guide pedestrians from place to place by use of names, directions, and arrows. Maps may be included.

Maximum size: 16 square feet

4. Exempt Signage

The following sign types are exempt from these regulations. They may be installed without Town review. They will have a maximum size of 2 square feet.

(a) Road Name
(b) Parking and no-parking
(c) Accessible parking
(d) Accessible route
(e) Bus stop
(f) Bike route
(g) Other similar signs not listed above that are generally for public safety, direction, and information.

M. Sustainability

The University is committed to responsible, sustainable development that attains a balance among economy, the environment, and society by meeting the needs of the present without compromising the ability of future generations to meet their own needs. The University will design its facilities to target the requirement levels of LEED silver and meet LEED Certification as the minimal standard for major construction projects. The goal is to create a balance of personal and environmental health across five broad categories: Nature, Energy, People, Water, and Materials. Innovation is encouraged.

1. Nature

   (a) Honor, protect and connect habitat, stream and river corridors. Minimize disturbance of woodland habitat to the extent practicable.

   (b) Building mass should allow daylight into active outdoor spaces.

   (c) Use a native landscape palette as much as possible.

2. Energy

   (a) Maximize daylight opportunities in buildings with a balance of solar gain, glare, and energy use.

   (b) Reduce energy loads on buildings by design, equipment selection, and use / operations guidelines.

3. People

   (a) Incorporate ideals of a park-once, transit oriented, pedestrian- and bicycle-friendly campus.

   (b) Incorporate alternative means of transportation, including municipal transit, University shuttles, bicycles, carpooling; encourage the use of fuel efficient and alternative-fuel vehicles.

   (c) Educate about the impact of daily decisions and seek new methods to reduce the impact on energy and the environment.

4. Water

   (a) Develop campus-wide onsite storm water management practices that address quantity and quality of runoff.

   (b) Reduce potable water demand through conservation.

5. Materials

   (a) Choose environmentally sustainable materials and processes whenever possible..

   (b) Use local materials whenever possible.

SCHEDULE D

AMENITY AGREEMENT REGARDING THE U OF R SOUTH CAMPUS IPD

BETWEEN TOWN OF BRIGHTON AND

UNIVERSITY OF ROCHESTER

THIS AGREEMENT, dated the _____ day of _____, 2015 by and between the University of Rochester (hereinafter "the University"), a not-for-profit educational institution organized and existing under the laws of the State of New York, and the Town of Brighton (hereinafter "the Town"), a municipal corporation of the State of New York, is entered into for the purpose of formalizing the agreement between the parties relative to the amenities being offered in connection with the Incentive Zoning and Rezoning of the University's South Campus in the Town.

WHEREAS, the University has requested that the Town amend the Town Zoning Map to rezone approximately 180 acres of the South Campus (the "IPD Parcel"), all as more fully described in Exhibit A attached hereto and made a part hereof, from residential to Institutional Planned Development ("IPD") and to adopt for the IPD Parcel a set of regulations for its governance (the "IPD Regulations") and further requested the Town to grant incentive zoning approval including to increase building density and height; and

WHEREAS, the University has offered to the Town the following Amenities in exchange for the incentives that it seeks:

1. Donation to the Town of a certain parcel south of Crittenden Road (42.55+/- acres) the description of which is in a deed recorded in the Monroe County Clerk's Office on June 30, 1994, at Liber 8493 of deeds, page 116 (the "Donation Parcel") ;

2. Planting enhancements within the 100 foot buffer zone adjacent to residential areas: to be implemented during the first spring after approval of the IPD or as soon thereafter as possible given planting feasibility, in coordination with the Town;

3. Elimination of any future access to Crittenden Road from the IPD District: to be implemented upon approval of rezoning;

4. Drainage: revise storm sewer connections on the developed portion of the South Campus (in Whipple Park) to redirect drainage away from Furlong Creek and toward the south wetland area;

5. Drainage: construct a berm within the north/south swale adjacent to the Lehigh Valley Trail that conveys stormwater from the southern wetland to Furlong Creek. The berm will significantly reduce the amount of stormwater discharged from the south wetland onto the adjacent properties to the south;

6. Drainage: construct an outlet structure within the south wetland area to control the water surface elevation and the rate at which stormwater is discharged from the South Wetland, as shown on Exhibit C attached hereto. The outfall structure will discharge to the existing drainage way along the west side of the former Lehigh Valley railroad. As necessary the existing drainage way will be improved to insure that the stormwater discharged from outfall structure flows by gravity to the existing Furlong Creek culvert; and

7. A cash amenity payable to the Town based on gross square feet of buildings in the IPD development and other buildings on real property in the Town purchased by the University into one or more trust funds established by the Town; and

WHEREAS, the rezoning to IPD and incentive zoning will allow the University to develop the IPD Parcel over time, on a building by building basis, which is anticipated over the next 25 years and beyond; and

WHEREAS, throughout the review process, the University modified the future plans to address concerns and review comments received from the Town, its agencies, consultants and the area residents. In addition to the formal review process, several public informational meetings were held to present and discuss the proposed rezoning and future plans for the South Campus; and

NOW, THEREFORE, in consideration of the incentives provided by the Town and in accordance with Chapter 209 of the Town Code of the Town of Brighton, it is hereby mutually agreed as follows:

1. On the 1st day of January of each year following the issuance of a temporary Certificate of Occupancy for each Building constructed in the IPD after the date hereof, the University shall pay a cash amenity to the Town equal to 45 cents per square foot of Floor Space for each such Building, adjusted as set forth in Paragraph 2 below (hereinafter the "Amenity Rate");

2. The Amenity Rate shall be increased each January 1 beginning in 2016 by multiplying the Amenity Rate for the preceding year by the greater of either 1.01 or a figure equal to a fraction the numerator of which is the Town Tax rate set for the budget year in which the cash amenity will be due and the denominator of which will be the Town Tax rate set for the immediately prior budget year. No district charges shall be utilized in calculating this figure. During the life of this Agreement, no District charges shall be paid for any Building for which a cash amenity payment is due hereunder other than District charges based on usage including water and sewer charges;

3. In addition to the above, the University shall pay the cash amenity computed pursuant to Paragraphs 1 and 2 above on any Building purchased or constructed by the University in the Town following the date hereof. Said cash amenity shall be payable by the University commencing on the 1st day of January following the acquisition of title by the University or the issuance of any temporary or final certificate of occupancy as the case may be. In addition, the University agrees to pay a cash amenity, computed and adjusted in the same manner and payable on the same terms, on property known as the Highlands at Brighton, located at --- Lac de Ville Blvd., commencing on January 1, 2018. With respect to the cash amenity for any Building outside of the IPD, the Town and the University hereby agree to negotiate in good faith beginning on the tenth anniversary date of this Agreement with respect to the Amenity Rate for any future Buildings acquired or constructed by the University in the Town. Unless and until a new Agreement is mutually executed and delivered by the Town and University, the present obligation to pay a cash amenity to the Town at the rates set forth in Paragraphs 1 and 2 above shall continue;

4. The forgoing cash amenity is premised upon the University's representation that development in the proposed IPD presently does not contemplate residential development which would increase the burden on public schools serving the IPD. However, the parties hereto agree that should any Building be constructed in the IPD for full or partial use as a residential structure for other than undergraduate housing or housing for senior citizens, then the University agrees to enter into good faith negotiations with the Rush-Henrietta School District regarding the University's payment to the District of a reasonable monetary contribution to the School District;

5. Should any Buildings owned by the University become subject to real property taxation, in whole or in part, and should any tax abatement be granted with respect to any such Buildings in whole or in part, the University agrees to pay the greater of the agreed upon cash amenity for said Building or the actual but otherwise abated real property tax due to the Town for such Building, for each year during the term hereof;

6. In no event shall the University be obligated to pay to the Town both the cash amenity and the Town Tax for the same square footage of a Building. It is the intent of the parties hereto that this Agreement shall only require one or the other and not both.

7. In addition to the above cash amenity, the University will provide the following amenities to the Town:

    a. Within 180 days of the execution of this Agreement by and between the undersigned, the University shall deliver a deed to the Town,

transferring title to the Donation Parcel. Said transfer shall be made by the University upon completion by the University at its expense of a Phase I environmental audit of the parcel and the acceptance of the conditions set forth in said audit by the Town;

b. Planting enhancements within the 100 foot buffer zone adjacent to residential areas which plantings are to be implemented during the first spring after adoption by the Town of the IPD regulations or as soon thereafter as possible given planting feasibility, in coordination with the Town;

c. Elimination of any future access to Crittenden Road from the IPD District which amenity shall be implemented as soon as is practicable after adoption by the Town of the IPD regulations;

d. Drainage: revise storm sewer connections on the developed portion of the South Campus (in Whipple Park) to redirect drainage away from Furlong creek and toward the south wetland area, all as shown on Exhibit B attached hereto and made a part hereof;

e. Drainage: construct a berm within the north/south swale located adjacent to the Lehigh Valley Trail that conveys stormwater from the southern wetland to Furlong Creek, all as shown on Exhibit C attached hereto and made a part hereof. The berm will significantly reduce the amount of stormwater discharged from the south wetland onto the adjacent properties to the south;

f. Drainage: construct an outlet structure within the south wetland area to control the water surface elevation and the rate at which stormwater is discharged from the South Wetland, as shown on Exhibit D attached hereto. The outfall structure will discharge to the existing drainage way along the west side of the former Lehigh Valley railroad. As necessary the existing drainage way will be improved to insure that the stormwater discharged from outfall structure flows by gravity to the existing Furlong Creek culvert;

g. The above drainage amenities set forth in subparagraphs (d), (e) and (f) shall be implemented as follows: Immediately following the adoption of the IPD regulations by the Town, application will be made by the University to the NYSDEC and USACE as part of a joint Application for Permit in order to obtain the necessary regulatory approvals needed to construct amenities (d), (e) and (f) above. Construction of the amenities shall commence no later than the first summer season following the issuance of the permit.

h. A letter of credit in the full amount of the construction costs of the amenities will be posted by the University with the Town.

8. All terms used in this Agreement shall have the meaning ascribed to the same under the provisions of the Town Code of the Town of Brighton including the definitions as set forth in Chapter 201 of the Comprehensive Development Regulations of the Town.

9. Except as otherwise provided herein, any notice required to be given by or under this Agreement shall be deemed to have been duly given when sent by first class mail, addressed to the respective parties hereto at their respective addresses specified below or such other addresses as either party may specify in writing to the other:

THE TOWN:

Town of Brighton

2300 Elmwood Avenue

Rochester, NY 14618

Attention: Town Supervisor and Town Clerk

UNIVERSITY:

The University of Rochester

208 Wallis Hall, Box 270023

Rochester, New York 14627-0023

Senior Vice President for Administration and Finance and Chief Financial Officer

10. Failure by the Town in any instance to insist upon the strict performance of any obligation of University, its successors and assigns under this Agreement, or to exercise any rights herein contained, shall in no manner be or deemed to be a waiver by the Town of any of University's or its successors and assigns default or breach hereunder or of any of the rights and remedies of the Town by reason of such defaults or breaches, or a waiver or relinquishment of any and all of the University's or its successors and assigns obligations hereunder. No waiver, amendment, release or modification of this Agreement shall be established by conduct, custom or course of dealing. Further, no payment by University or its successors and assigns, or the

receipt by the Town of a lesser amount than the correct amount or manner of payment due hereunder shall be deemed to be other than a payment on account, nor shall any endorsement or statement on any check or any letter accompanying any check or payment be deemed to effect or evidence and accord any satisfaction, and the Town may accept any checks or payments as made without prejudice to the right to recover the balance or pursue any other remedy in this Agreement or otherwise provided by law or equity.

11. Whenever the University or its successors and assigns fails to comply with any provision of this Agreement, the Town may, but shall not be obligated to, take whatever action at law or in equity as may appear necessary or desirable to collect the amount then in default or to enforce the performance and observance of the obligations, agreements and covenants of the University, its successors and assigns.

12. This Agreement shall be governed by and construed in accordance with the internal laws of the State of New York.

13. This Agreement may be modified only by written instrument duly executed by the parties hereto.

14. This Agreement shall be binding upon and inure to the benefit of the parties, their respective successors and assigns. The Agreement shall be filed in the Monroe County Clerk's Office and be deemed to run with the land.

15. If any provision of this Agreement shall, for any reason, be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, such provision so adjudged invalid, illegal or unenforceable shall not be deemed separate, distinct and independent of the Incentive Zoning and Rezoning of the University's South Campus.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

Town of Brighton

By:_____
Name: William Moehle
Title: Supervisor

University of Rochester

By:_____
Name: Ronald J. Poprocki

Title: Senior Vice President for Administration and Finance and Chief Financial Officer

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

On this ___ day of _____, 2015, before me personally came William Moehle, to me known, who, being by me duly sworn, did depose and say that the above named person resides in the Town of Brighton, that said person is the Supervisor of the Town of Brighton, the municipal corporation described in and which executed the foregoing Instrument; and that the above named person signed thereto by order of the Town Board of said municipal corporation.

_____

Notary Public

STATE OF NEW YORK)

COUNTY OF MONROE) ss:

On this ____ day of _____, 2015, before me personally came _____ to me known, who, being by me duly sworn did depose and say that the above named person resides in the _____ of _____, New York; that said person is _____ of _____, the agency described in and which executed the foregoing Instrument; and that the above named person signed thereto by order of the governing board or directors of said agency.

_____

Notary Public

Schedule E-1

1. That, prior to the amendment of the Zoning Map for the Town of Brighton, the University shall execute and deliver an amenity agreement for the purpose of formalizing the agreement between the University and Town relative to the amenities being offered in connection with the Incentive Zoning/Rezoning Application, which amenity agreement shall be substantially in the form set forth in Schedule D.

Schedule E-2

1. That, the University shall provide maintenance on the drainage amenities set forth in Schedule D In the event of any emergency, the Town may perform any necessary repairs to such improvements and the University shall reimburse the Town for such repairs, should the need arise.

2. That, prior to the issuance of any permits the University shall execute and deliver a Storm Water Maintenance Agreement inclusive of the drainage amenities to the Town.

3. That, prior to the issuance any Certificate of Occupancy for any residential development within the IPD Lands, the emergency access road shall be designed and constructed consistent with NYS Fire Code requirements.

4. That, the University shall update the Traffic Impact Study (TIS), dated July 2013, prepared by T.Y. Lin International every five years to monitor potential traffic impacts and identify commensurate traffic mitigation starting in 2015. In addition, the Town can request and the University shall provide as part of the SEQRA process for any individual project, an updated traffic analysis/TIS, depending upon the size and nature of the proposed project. The Town may review and hire an independent consultant to review any required traffic analysis/TIS. The Town review fees shall be paid for by the University.

5. That, prior to the issuance of the Certificate of Occupancy, the University shall obtain the necessary emergency access easement from RG&E.

6. That, the conditions set forth herein may be altered, modified and/or removed only upon written consent of the Town Board of the Town of Brighton and the Applicant.

7. That, any agreements required to be executed under the terms of these Conditions, shall be in form and substance as may be approved by the Attorney for the Town.

8. That, prior to the issuance of any permits, the applicant shall execute and deliver an agreement under which the applicant, its successors and assigns, agree not to convert any residential facilities, or to permit them to be converted, into condominium form of

ownership. This agreement shall be executed in the same manner as a deed and shall be recorded in the office of the Monroe County Clerk and shall be in form and substance as may be approved by the Attorney to the Town. In the event the facility is converted to condominium ownership, the incentive zoning approval of the Town and this incentive zoning resolution shall immediately terminate and be of no further effect, except that the donation of the approximately 42.55+/- acres, more particularly described by deed recorded in the Monroe County Clerk's Office in Book 08493, Page 0116 , to the Town shall not be affected and such 42.55+/- acres shall remain the property of the Town, and to the fullest extent permitted by law, the property taxes, and all other ad valorem charges or assessments on the facility shall continue to be assessed as if the facility were not held in condominium ownership, and all cash payments due under the Amenity Agreement to the Town shall continue to be timely paid by the University

9. That, if any or one or more of the conditions or requirements or any portion thereof which are set forth in this Resolution are determined by a Court of competent jurisdiction to be contrary to law, such condition or requirement, or portion thereof, shall NOT be deemed and construed to be severable from the remaining conditions and requirements which are herein contained and the same SHALL affect the validity of the Resolution or the validity of the remaining conditions and requirements, or portions thereof, provided however that in no event shall the validity of the Donation Agreement for the 42.55+/- acres by and between the Town and the University for the donation of the 42.55+/- acres, or the validity of the donation of the 42.55+/- acres by the University the Town be affected by the provisions of this Paragraph 9, in the event that one or more of the conditions, or requirements or any portion thereof are determined to be contrary to law, and to the extent that any buildings constructed on the IPD Lands have been constructed at such time, all amenities to be provided by the University and all cash amenities to be paid by the University shall continue to be obligations of the University.

10. That, prior to the issuance of any permit the University shall furnish a letter of credit in a form and issued by an entity approved by the Town which represents the estimated cost of constructing the drainage amenities as set forth in Schedule D. The University shall submit, for review and approval by the Town, an itemized engineer's estimate based on a concept plan for all improvements. The approved engineer's estimate will be used as the basis for the letter of credit. The University will provide to Town for review and approval design drawings, and supporting calculations and documentation for the drainage amenities as set forth in Schedule D.

11. That, prior to the issuance of any Temporary or Final Certificate of Occupancy, construction of the amenities shall commence.

Schedule F
Incentives

1. That, upon the satisfaction of the conditions listed in Schedule E-1, the South Campus IPD District Regulations shall take effect to serve as the governing district regulations of the IPD land and the zoning map of the Town will be updated to reflect the IPD zoning.

EXHIBIT NO. 6

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 27th day of May, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

WHEREAS, the Town previously received and filed correspondence from Jerry A. Goldman as attorney to Anthony J. Costello and Son (Joseph) Development, LLC regarding the further amendment to the Incentive Zoning Application for the project known as the "Reserve" and referred the matter to the Town Planning Board for an advisory report, now therefore,

BE IT RESOLVED, that correspondence dated May 6, 2015 from Town Planner Ramsey Boehner together with the Advisory Report of the Planning Board of the same date regarding the above matter and correspondence dated May 19, 2015 from Jerry A. Goldman as attorney to Anthony J. Costello and Son (Joseph) Development, LLC regarding the same, be received and filed; and

BE IT RESOLVED, that the Town Board hereby sets a public hearing on the proposed amendment to the Incentive Zoning for the Reserve for June 10, 2015 at 7:00 pm or as soon thereafter as the matter can be heard to be held at Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, County of Monroe and State of New York, and hereby directs the Clerk of the Town to post and publish such notice of said public hearing as is required by law.

Dated: May 27, 2015

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

May 20, 2015

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

Re: Modification of the Reserve housing development to construct 35 ranch style townhouse condominiums where 26 single family homes were proposed to be built in the Brewerton Neighborhood

Honorable Supervisor and Members:

I recommend that your Honorable Body:

1. Receive and file this communication and the attached Planning Board Advisory Report dated May 6, 2015 from Ramsey Boehner, Executive Secretary, Planning Board;

2. Receive and file the letter from Jerry A. Goldman, dated May 19, 2015; and

3. Schedule a public hearing regarding the above referenced matter for June 10, 2015.

Respectfully Submitted

Ramsey A. Boehner
Town Planner

cc: T. Keef

attachments

TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

May 6, 2015

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

RE: Planning Board Advisory Report regarding modification of Section II of the Reserve housing development to construct 35 ranch style townhouse condominiums where 26 single family homes were proposed to be built in the Brewerton Neighborhood

Dear Board Members:

At the April 15, 2015 Planning Board Meetings, the Planning Board reviewed the above referenced matter and offers the following comments:

1. The proposed modification to construct 35 ranch style townhouse condominiums where 26 single family homes were to be constructed in the Brewerton Neighborhood is not a substantial change to the fundamental intent of the site plan as previously approved.

2. The Board agrees with the road being private and not dedicated to the Town. The circulation and traffic patterns will not be impacted by the proposed modifications.

3. The applicant's engineer should verify to the satisfaction of the Town Engineer that the increase in the number of units can be supported by the infrastructure previously approved for this project.

4. The potential reduction in the number of loft units may have a positive effect on the view from the canal trail.

5. The different alternatives plans showing the proposed changes to the lofts should be presented to the Town of Board.

Respectfully Submitted,

Ramsey A. Boehner
Executive Secretary
Planning Board

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 8th day of April, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated April 1, 2015 from Jerry A. Goldman as attorney to Anthony J. Costello and Son (Joseph) Development, LLC together with attachments, together constituting an application to further amend the Amended Incentive Zoning Resolution for the project known as the Reserve, be received and filed; and be it further

RESOLVED, that the Town Board hereby refers the application for further amendments to the Amended Incentive Zoning Resolution for the project known as the Reserve to the Planning Board, for review and preparation of an advisory report to the Town Board.

Dated: April 8, 2015

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

700 Crossroads Building
2 State Street, Rochester, New York 14614
P 585.987.2800 F 585.454.3968

WOODS OVIATT GILMAN LLP

1900 Main Place Tower
Buffalo, New York 14202
P 716.248.3200 F 716.854.5100

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

woodsoviatt.com

April 1, 2015

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

Re: The Reserve – Brewerton Community

Dear Board Members:

This office represents Anthony J. Costello and Son (Joseph) Development, LLC, the owner and developer of The Reserve, a mixed use residential community located east of South Clinton Avenue, south of the Route 590 Expressway and north of the Erie Canal. By this letter, we are requesting the concurrence of the Town Board to changes in the Brewerton Community to accommodate market demand.

The Reserve was approved as a rezoning/incentive zoning project by the Town Board in 2009. At the time of the rezoning, the developer's concept (and the analysis by the Town Board) was based upon a maximum of 327 dwelling units, including 91 townhomes and 168 loft condominiums.

In 2011, the developer and the Town clarified the tax treatment of residential units within The Reserve. All single family detached residential units are to be owned in fee simple and all townhomes (not to exceed 91 in number) and lofts will be held in condominium ownership and any deviation will require review and action by the Town Board after a public hearing.

Currently, the Glenville Community within The Reserve contains 46 townhomes. The Brownstones total 20 townhome units, and the Watermark at the east end of Watermark Landing East contains 6 townhome units. Accordingly, 72 townhouse units are currently committed. From the 91 originally authorized, there are 19 unallocated townhouse condominium units available for development.

Changing market demand is one of the great challenges for large scale mixed-use developments. The Reserve is no exception. As the development has progressed, the demand for mid-priced, single family detached units has been virtually nonexistent (high end single family detached, while moving slower, have pleasantly exceeded per square foot price and size projections). The demand for ranch townhouse condominium units has far exceeded expectations. In order to meet that market demand, the developer is seeking to convert the Brewerton Community from 26 single family detached homes to 35 ranch townhouse condominiums.

With the 19 unallocated townhouse condominium units described above, the developer is proposing to reallocate 16 condominium units from the lofts to the Brewerton Community, thereby increasing the number of townhomes from the original 91 authorized to 107 and reducing the number of loft condominium units from the original 168 authorized to 152. This will keep the total of townhomes and loft units held in condominium ownership at 259.

In order to do so, in accordance with the 2011 clarification between the developer and the Town Board, review and action by the Town Board after a public hearing is necessary. We are hereby requesting that public hearing.

We appreciate the Town Board's consideration of this request. This proposal was introduced at the Town Board open forum on March 25th. We intend to appear before the Town Board's Public Works Committee to further present this proposal on April 7th, and would request that the Town Board formally receive this request at their April 8th meeting and refer it to the Planning Board for the Planning Board's consideration at their April 15th meeting. We will be present at all meetings to answer any questions with regard to this proposal.

Thank you very much for your consideration.

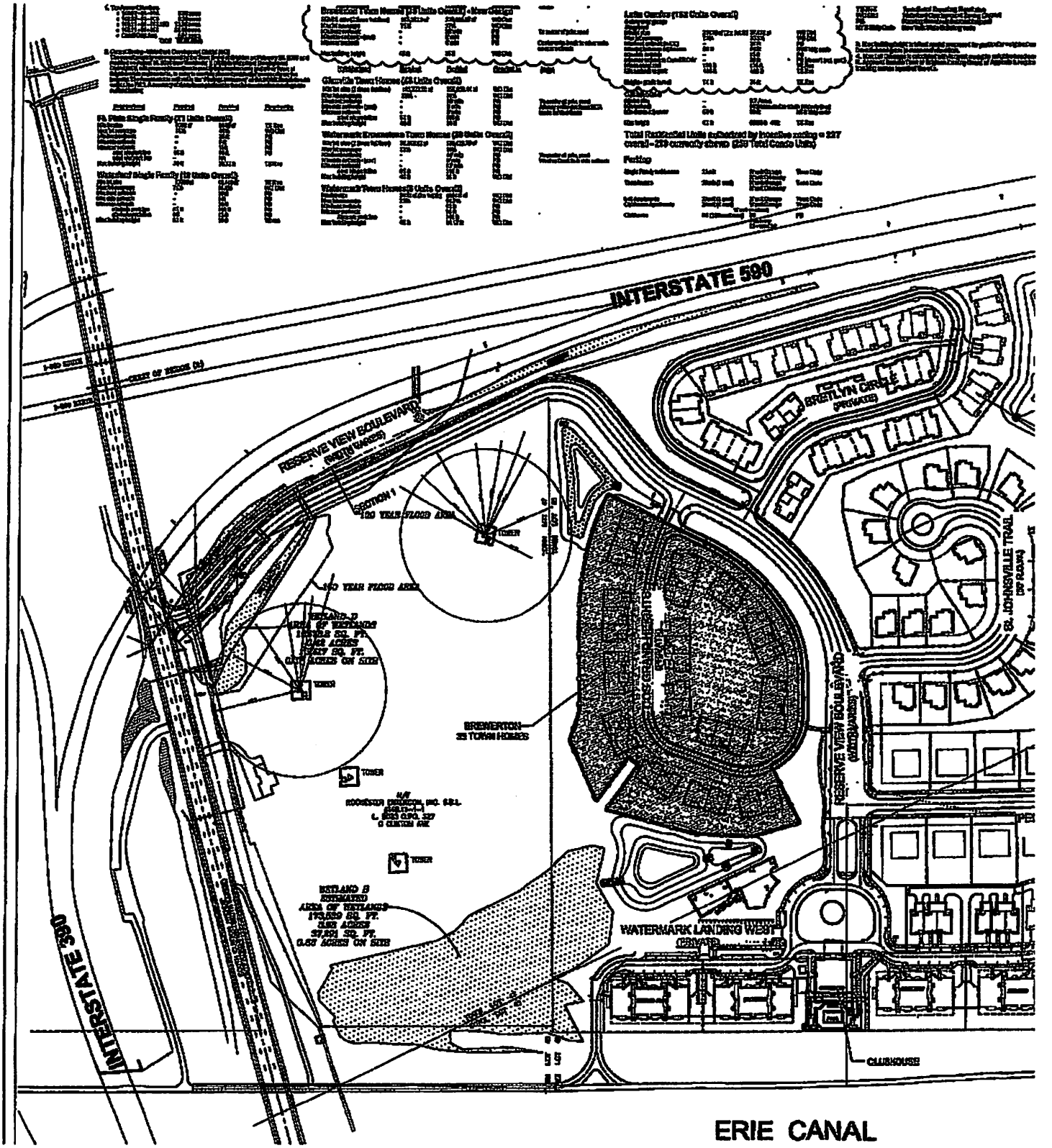
Very Truly Yours,

WOODS OVIATT GILMAN LLP

Jerry A. Goldman

Please direct responses to Rochester Office

JAG/mxm


INTERSTATE 590
RESERVE VIEW BOULEVARD
SECTION 1
100 YEAR FLOOD AREA
TOWER
BRETLYN CIRCLE
(PRIVATE)
ST. JOHNSVILLE TRAIL
RESERVE VIEW BOULEVARD
BREWERTON
33 TOWN HOMES
WETLAND B
ESTIMATED
AREA OF WETLAND
WATERMARK LANDING WEST
(PRIVATE)
CLUBHOUSE
INTERSTATE 390
ERIE CANAL

Project Statistics

1. Tax Account Numbers
   - 148.07-01-004 0.98 acres
   - 148.07-01-005 0.53 acres
   - 148.11-01-002.100 29.23 acres
   - 148.11-01-053 38.40 acres
   - Canal Corp Acq. 1.64 acres
   - Total 82.82 acres

2. Current Zoning - Waterfront Development District (WD)
   The overall property was rezoned by the Town Board of Brighton on February 23, 2009 and modified on August 11, 2010 from Residential B (RB) to Waterfront Development District(WD), with proposed incentives to modify bulk requirements and other Town of Brighton code requirements , in order to create a planned residential community on the property. The incentives are outlined in the "Findings Statement" of the SEQR Resolution as well as the FEIS. A summary of those items pertinent to the site construction drawings are outlined below;

Neighborhood	Required	Provided	Reached by
Ft. Plain Single Family (21 Units Overall)			
Min lot size	5000 sf	6040 sf	TB Res
Max lot coverage	70%	45%	WD Dist
Min front setback	-	25 ft	PB
Min side setback	-	6 ft	PB
Min rear setback	-	12ft	PB
abut mfr park line	65 ft	65 ft	PB
abut sfr park line	-	NA	
Max building height	30 ft	28.58 ft	TB Res
Waterford Single Family (19 Units Overall)			
Min lot size	12000 sf	13,440 sf	TB Res
Max lot coverage	75%	58.5%	WD Dist
Min front setback	-	20 ft	PB
Min side setback	-	6 ft	PB
Min rear setback	-	20 ft	PB
abut mfr park line	65 ft	130 ft	PB
abut sfr park line	65'	65 ft	PB
Max building height	40 ft	30 ft	TB res

Neighborhood	Required	Provided	Reached by	Notes
Brewerton Town Homes (35 Units Overall) - New Design				
Min lot size (2 times 1st floor)	160,272.0 sf	320,455.67 sf	WD Dist	
Max lot coverage	75%	27%	WD Dist	
Min front setback	-	30' min	PB	To center of priv. road
Min side setback - (end)	-	6' min	PB	
Min rear setback	-	6' min	PB	Center units back to other units no rear setback
Max building height	40 ft	35 ft	WD Dist	
Glenville Town Homes (46 Units Overall)				
Min lot size (2 times 1st floor)	153,777.70 sf	256,659.44 sf	WD Dist	
Max lot coverage	75%	33%	WD Dist	
Min front setback	-	25' min	PB	To center of priv. road
Min side setback - (end)	-	5' min	PB	All rear setbacks have HOA lands behind them
Min rear setback	-	5' min	PB	
abut mfr park line	65 ft	135 ft	PB	
Max building height	40 ft	28 ft	WD Dist	
Watermark Brownstone Town Homes (20 Units Overall)				
Min lot size (2 times 1st floor)	78,658.52 sf	130,428.79 sf	WD Dist	
Max lot coverage	75%	31%	WD Dist	
Min front setback	-	44' min	PB	To center of priv. road
Min side setback - (end)	-	5' min	PB	West setback to a side setback
Min rear setback	-	55' min	PB	
abut mfr park line	65 ft	330 ft	PB	
Max building height	40 ft	30 ft	WD Dist	
Watermark Town Homes(8 Units Overall)				
Min lot size	3420 sf (2 x 1st fl)	49446 sf	WD Dist	
Max lot coverage	75%	68.7%	WD Dist	
Min front setback	-	62 ft	PB	
Min rear setback	-	25 ft	PB	
Abut mfr park line	-	250 ft	PB	
Max building height	40 ft	34.17 ft	WD Dist	

Neighbor
Lofts Cond
5 story over gara
Staggered
Min lot size
Max lot coverage
Min front setback
Min side setback
Min rear setback
Min to canal trail
Min setback to pr
Height - grade to
Clubhouse
Min lot size
Min setback
Min dist to adj bu
Max height
Total Resi overall - 2
Parking
Single Family res
Town home
Loft Apartments
Clubhouse Apart
Clubhouse

700 Crossroads Building
2 State Street, Rochester, New York 14614
P 585.987.2800 F 585.454.3968

Writer's Direct Dial Number: 585.445.2726
Writer's Direct Fax Number: 585.445.2626
Email: jgoldman@woodsoviatt.com
Admitted to practice in New York and Florida

WOODS OVIATT GILMAN LLP
ATTORNEYS
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1900 Main Place Tower
Buffalo, New York 14202
P 716.248.3200 F 716.854.5100

May 19, 2015

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

Re: The Reserve – Brewerton Neighborhood

Dear Board Members:

This office has been retained by Anthony J. Costello and Son (Joseph) Development, LLC, the project sponsor of The Reserve, to assist in the governmental approval process for this residential community. By letter dated April 1, 2015, we commenced the process to obtain Town Board permission to convert the existing Brewerton neighborhood from single family residences to ranch townhouse condominiums.

The reason for the proposed change is full analysis of the market demand over the life span of the development of the project. The proposal entails converting the Brewerton neighborhood from 26 two-story single family residences (a popular model when initial approvals were obtained, which has obtained no marketing traction in the last 3 years) to 35 ranch townhouse condominiums (the currently hottest selling product in the Glenville neighborhood in The Reserve). At your meeting of April 8 this request was received, filed and referred to the Town Planning Board for comment and recommendation.

We presented the redefined Brewerton neighborhood (which essentially provides the same road and infrastructure configuration as the original, except that a dedicated road spur has been eliminated, providing for all private roads in the neighborhood) to the Planning Board at its April 15 meeting. While the Planning Board report is not available until presented to the Town Board, we did stay for the deliberations of the Planning Board and a unanimous consensus supported the new proposal.

We understand the issue of condominium development is a sensitive one in the Town due to potential tax impact. The initial analysis of financial impact, conducted during the environmental (SEQR) review of the project, is attached to this letter. This economic analysis was predicated upon 91 townhouse condominiums and 168 loft condominium units, for a total of 259 condominiums. Existing plans show 72 townhouse condominium units (46 in Glenville, 20 Brownstones and 6 in the Watermark building), so there are 19 unallocated townhouse condominium units.

At this time, it is our understanding that the Town Board does not wish to exceed the originally analyzed total condominium count of 259 units, thus, the developer's proposal is to utilize the 19 unallocated townhouse condominium units and redistribute 16 loft condominium units to the Brewerton Neighborhood to arrive at the total of 35 units. The net result is to reduce the number of loft condominium units from 168 to 152.

The developer is currently analyzing designs to address the reduction of the loft units. There are three primary alternatives under consideration: (1) increasing the size of loft units and staying within the existing building plans and footprints, (2) reducing the height of the loft buildings, or (3) eliminating a loft condominium building. No decision has been made among the three alternatives at this time.

The economic impact of the alternatives is depicted on the second and third charts attached to this letter. The charts are more accurate than the original to the extent that the sales price per foot is based upon actual sales experience and not on projected rates. The second chart reflects the tax calculation under Alternative #1 above (maintenance of the same total square footage with larger units). The third page reflects the reduction in square footage of the loft buildings, which would be occasioned if Alternative #2 or #3 above (elimination of one floor or elimination of one building) were implemented.

The overall tax impact of The Reserve under any of the alternative scenarios is positive to the Town and the School District. While there is a reduction in projected revenues specifically from the Brewerton neighborhood, providing units which will sell in a relatively short amount of time (potential buyers have already expressed substantial interest in ranch townhouse condominiums in the Brewerton neighborhood) will have a number of positive impacts: (1) enhanced revenue to the Town and the School District sooner since the penetration rate will be substantially higher and quicker, and (2) from an overall development point of view, ground disturbance will be for a shorter period of time, since it is expected that the revised Brewerton neighborhood will sell out quickly.

The secondary tax benefit to the School District is that the target market for the ranch townhouse condominiums are empty nesters and are less likely to send students into the School District (this proposition has been borne out by current sales in the Glenville neighborhood).

All in all, the developer has been very pleased with the progress that has been made with the project and wants to continue the positive momentum in this outstanding development in the Town of Brighton. The new residents within The Reserve community are proud members of the populace of the Town of Brighton, and the developer looks forward to completion of the unique development as envisioned by the Incentive Zoning granted by the Town Board.

If the Town Board needs any further information with regard to this request, please do not hesitate to contact me.

Very Truly Yours,

WOODS OVIATT GILMAN LLP

Jerry A. Goldman

Please direct responses to Rochester Office

JAG/mxm

cc: Anthony J. Costello and Son (Joseph) Development, LLC

Original

Anthony J. Costello & Son (Joseph), LLC
The Reserve - R/E Tax Calculation
(Estimates Based on Current Rates)

Neighborhood	Sq Ft	Sale Price Per foot	Gross Sales Price	Equalization Rate / Condo Adjustment	Estimated Taxable Value	Brighton School Tax Per $1,000 $ 28.31	Town Tax Per $1,000 $ 6.07	County Tax Per $1,000 $ 9.58	Fire / Amb Per $1,000 $ 2.22
Glenville - Townhomes	116,624	$ 187.26	$ 21,839,010	50%	$ 10,919,505	$ 309,131	$ 66,281	$ 104,609	$ 24,241
Brewerton - Single Family	59,454	$ 202.49	$ 12,038,840	83%	$ 9,992,238	$ 282,880	$ 60,653	$ 95,726	$ 22,183
Fort Plain - Single Family	39,025	$ 197.92	$ 7,723,828	83%	$ 6,410,777	$ 181,489	$ 38,913	$ 61,415	$ 14,232
Waterford - Custom Homes	74,800	$ 202.25	$ 15,128,300	83%	$ 12,556,489	$ 355,474	$ 76,218	$ 120,291	$ 27,875
Mays Point - Townhomes	72,935	$ 194.28	$ 14,169,812	50%	$ 7,084,906	$ 200,574	$ 43,005	$ 67,873	$ 15,728
Mays Point - Lofts	378,660	$ 221.37	$ 83,823,964	50%	$ 41,911,982	$ 1,186,528	$ 254,406	$ 401,517	$ 93,045
Total	741,498		$ 154,723,755		$ 88,875,897	$ 2,516,077	$ 539,477	$ 851,431	$ 197,304

Anthony J. Costello & Son (Joseph), LLC
The Reserve - R/E Tax Calculation

Revised Based on Current Sq Ft, Sale Prices & Tax Rates

Neighborhood	Sq Ft	Sale Price Per foot	Gross Sales Price	Equalization Rate / Condo Adjustment	Estimated Taxable Value	Brighton School Tax Per $1,000 $ 26.52	Town Tax Per $1,000 $ 5.56	County Tax Per $1,000 $ 8.56	Fire / Amb Per $1,000 $ 2.34
Glenville - Townhomes	82,583	$ 224.00	$ 18,498,592	50%	$ 9,249,296	$ 245,327	$ 51,460	$ 79,174	$ 21,647
Brewerton - Ranch Townhomes	57,883	$ 273.00	$ 15,802,059	50%	$ 7,901,030	$ 209,566	$ 43,958	$ 67,633	$ 18,492
Fort Plain - Single Family	48,300	$ 225.00	$ 10,867,500	83%	$ 9,020,025	$ 239,246	$ 50,184	$ 77,211	$ 21,110
Waterford - Custom Homes	79,800	$ 325.00	$ 25,935,000	83%	$ 21,526,050	$ 570,954	$ 119,763	$ 184,262	$ 50,379
Mays Point - Townhomes	67,076	$ 242.00	$ 16,232,392	50%	$ 8,116,196	$ 215,273	$ 45,156	$ 69,474	$ 18,995
Mays Point - Lofts	378,660	$ 260.00	$ 98,451,600	50%	$ 49,225,800	$ 1,305,659	$ 273,874	$ 421,371	$ 115,208
Total	714,302		$ 185,787,143		$ 105,038,397	$ 2,786,024	$ 584,395	$ 899,125	$ 245,831
				Original	$ 88,875,897	$ 2,516,077	$ 539,477	$ 851,431	$ 197,304
				Inc (Dec)	$ 16,162,500	$ 269,948	$ 44,918	$ 47,694	$ 48,527

Anthony J. Costello & Son (Joseph), LLC
The Reserve - R/E Tax Calculation

Revised Based on Current Sq Ft, Sale Prices & Tax Rates & New Loft Design

Neighborhood	Sq Ft	Sale Price Per foot	Gross Sales Price	Equalization Rate / Condo Adjustment	Estimated Taxable Value	Brighton School Tax Per $1,000 $ 26.52	Town Tax Per $1,000 $ 5.56	County Tax Per $1,000 $ 8.56	Fire / Amb Per $1,000 $ 2.34
Glenville - Townhomes	82,583	$ 224.00	$ 18,498,592	50%	$ 9,249,296	$ 245,327	$ 51,460	$ 79,174	$ 21,647
Brewerton - Ranch Townhomes	57,883	$ 273.00	$ 15,802,059	50%	$ 7,901,030	$ 209,566	$ 43,958	$ 67,633	$ 18,492
Fort Plain - Single Family	48,300	$ 225.00	$ 10,867,500	83%	$ 9,020,025	$ 239,246	$ 50,184	$ 77,211	$ 21,110
Waterford - Custom Homes	79,800	$ 325.00	$ 25,935,000	83%	$ 21,526,050	$ 570,954	$ 119,763	$ 184,262	$ 50,379
Mays Point - Townhomes	67,076	$ 242.00	$ 16,232,392	50%	$ 8,116,196	$ 215,273	$ 45,156	$ 69,474	$ 18,995
Mays Point - Lofts	347,220	$ 260.00	$ 90,277,200	50%	$ 45,138,600	$ 1,197,250	$ 251,135	$ 386,385	$ 105,642
Total	682,862		$ 177,612,743		$ 100,951,197	$ 2,677,616	$ 561,656	$ 864,139	$ 236,266
				Original	$ 88,875,897	$ 2,516,077	$ 539,477	$ 851,431	$ 197,304
				Inc (Dec)	$ 12,075,300	$ 161,539	$ 22,179	$ 12,708	$ 38,961

EXHIBIT NO. 7

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 27th day of May, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated May 4, 2015 from Director of Finance Suzanne Zaso regarding a request to authorize the Supervisor to execute a membership agreement and all related documents to enable the Town's participation in the Finger Lakes Municipal Health Insurance Trust, be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a membership agreement and all related documents to enable the Town's participation in the Finger Lakes Municipal Health Insurance Trust to be effective no sooner than August 1, 2015.

Dated: May 27, 2015

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

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

May 4, 2015

Honorable Town Board
Finance and Administrative Services Committee
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: Participation in the Finger Lakes Municipal Health Insurance Trust (FLMHIT)

Dear Board Members:

The Town has recently been informed that the Finger Lakes Municipal Health Insurance Trust (herein referred to as the "Trust") has voted to accept the Town of Brighton as a member of the Trust. Participation in the Trust will enable the Town to offer health insurance coverage to active employees and pre-65 retirees that is substantially equivalent to the existing plans offered by the Town but at a lower premium rate as the risks associated with health insurance coverage are spread among a larger population than if the Town were to stay in its own experience rated plans.

Joining the Trust will require participating active Town employees and pre-65 retirees to enroll in the plans offered by the Town through the Trust with MVP Health Care, the current carrier that is contracted by the Trust to provide such benefits. The Town will also be required to pay a late entry fee to the Trust, per the agreement, as a result of the Town declining participation when initially being offered to join the Trust at the end of 2010 (as the Town was offered similar plans at a lesser premium for a three-year period).

My formal request of Your Honorable Town Board is to authorize the Supervisor to execute a membership agreement and any related documents to enable the Town's participation in the Finger Lakes Municipal Health Insurance Trust effective no sooner than August 1, 2015.

Sincerely,

Suzanne Zaso
Director of Finance

EXHIBIT NO 8

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 27th day of May, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated May 6, 2015 from Commissioner of Public Works Timothy E. Keef regarding a request to authorize the acceptance of a donation in the amount of $537.00 from the Garden Lovers Club of Brighton to be used towards the purchase and planting of three fruit trees on the Buckland House property, be received and filed; and

BE IT RESOLVED, that the Town Board hereby accepts with enthusiasm and thanks a donation in the amount of $537.00 from the Garden Lovers Club of Brighton to be used towards the purchase and planting of three fruit trees on the Buckland House property.

Dated: May 27, 2015

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
DEPARTMENT OF PUBLIC WORKS
2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618
PHONE: (585)784-5250 FAX: (585) 784-5368

May 6, 2015

Supervisor William W. Moehle and
the Honorable Town Board
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

Re: Donation Towards Town Annual Tree Planting Program

Dear Supervisor Moehle and Town Council Members:

The Garden Lovers Club of Brighton, situated in the Houston Barnard Neighborhood, has graciously provided a donation of $537.00 towards the planting of fruit trees upon the Buckland House property. This gift will allow three trees to be installed, complimenting the other existing trees in the orchard. I recommend that your Honorable Body receive and file the attached check from the Garden Lovers Club of Brighton and accept the donation, with great appreciation and thanks, as an unanticipated revenue for the A.DPW 8560 4.11 account.

As always, thank you for your consideration of matters such as this.

Very truly yours,

Timothy E. Keef, P.E.
Commissioner of Public Works

TEK/wp

attachment

cc: T. Anderson
S. Zaso
M. Hussar
K. Gordon
S. Constine, GLCOB

HTB.DONATION.ARBOR.DAY.TREE.GLCOB.MAY.2015.01

EXHIBIT NO 9

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 27th day of May, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated May 18, 2015 from Commissioner of Public Works Timothy E. Keef regarding a request to authorize the Supervisor to execute a service agreement with BCS/Smart Edge for ongoing service to the Town Hall HVAC system at a labor rate not to exceed $127.25 per hour and a materials cost not to exceed $5,000.00, be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a service agreement with BCS/Smart Edge for ongoing service to the Town Hall HVAC system at a labor rate not to exceed $127.25 per hour and a materials cost not to exceed $5,000.00 subject to the review and approval of the service agreement by the Attorney to the Town.

Dated: May 27, 2015

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
DEPARTMENT OF PUBLIC WORKS
2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618
PHONE: (585)784-5250 FAX: (585) 784-5368

May 18, 2015

The Honorable Finance and Administrative Services Committee
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

re: Authorize HVAC Service Agreement
BCS/SmartEdge

Dear Chairman Werner and Committee Members:

As you will recall, modifications were made to the Town Hall HVAC by BCS in 2011, which included a new control system and an ongoing service agreement as part of the project bid. The service agreement needs to be renewed with the BCS subsidiary SmartEdge as the initial contractual period has expired and they are the sole provider for this service due to the proprietary nature of the system. Therefore, it is proposed to enter into said agreement for labor (at a not to exceed rate of $127.25/hour) and materials, not to exceed $5000.00. Funds have been allocated in this year's budget for these services.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled May 19, 2015 meeting in the event that you have any questions regarding this matter.

Very truly yours,

Timothy E. Keef, P.E.
Commissioner of Public Works

TEK/wp

cc: S. Spencer
M. Guyon
M. Hussar
S. Zaso
A. Banker
K. Gordon

FASC.HVAC.SERVICE.SMARTEDGE.MAY.2015.01

EXHIBIT NO. 10

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 27th day of May, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated May 18, 2015 from Commissioner of Public Works Timothy E. Keef regarding a request to authorize the Supervisor to execute an agreement with Pipitone Mechanical Contracting pursuant to the City of Rochester's bid for term services for a labor rate not to exceed $71.67 per hour and a materials cost not to exceed $3,000.00, be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an agreement with Pipitone Mechanical Contracting pursuant to the City of Rochester's bid for term services for a labor rate not to exceed $71.67 per hour and a materials cost not to exceed $3,000.00subject to the review and approval of the service agreement by the Attorney to the Town.

Dated: May 27, 2015

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
DEPARTMENT OF PUBLIC WORKS
2300 ELMWOOD AVENUE ROCHESTER, NEW YORK 14618
PHONE: (585)784-5250 FAX: (585) 784-5368

May 18, 2015

The Honorable Finance and Administrative Services Committee
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

re: Authorize Mechanical Service Agreement
City of Rochester Bid - Mechanical Term Services

Dear Chairman Werner and Committee Members:

As you will recall, the contract for Crosby-Brownlie, Inc. was extended to June 1, 2015 pursuant to discussions at your February 17, 2015 Committee meeting. Having further researched this matter, we are able to avail ourselves to the services of Pipitone Mechanical Contracting via the City of Rochester's bid for term services. Therefore, it is proposed to utilize this option for labor (at a not to exceed rate of $71.67/hour) and materials, not to exceed $3000.00. Funds have been allocated in this year's budget for these services if we should require them.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled May 19, 2015 meeting in the event that you have any questions regarding this matter.

Very truly yours,

Timothy E. Keef, P.E.
Commissioner of Public Works

TEK/wp

cc: S. Spencer
M. Hussar
M. Guyon
S. Zaso
A. Banker
K. Gordon

FASC.MECHANICAL.SERVICE.AGREEMENT.PIPITONE.MAY.2015.01

EXHIBIT NO 11

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 27th day of May, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated May 20, 2015 from Town Junior Engineer Chad Roscoe regarding a request to authorize the Supervisor to renew Community Development Block Grant Agreements with the County of Monroe be received and filed; and

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute renewal Community Development Block Grant Agreements with the County of Monroe for 2013 CDBG Crittenden Road Sidewalk Project in the amount of $32,625.00 and for 2014 CDBG Crittenden Road Phase II Sidewalk Project in the amount of $34,750.00.

Dated: May 27, 2015

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
DEPARTMENT OF PUBLIC WORKS
2300 ELMWOOD AVENUE ☆ ROCHESTER, NEW YORK 14618 ☆ PHONE (585)784-5250 ☆ FAX (585)784-5368

5/20/2015

Brighton Town Board Members
2300 Elmwood Ave
Rochester, NY 14618

RE: CDBG Agreement

Dear Honorable Town Board Members:

I am requesting that the Town Board pass a resolution to authorize Supervisor Moehle to execute renewal agreements between the Town of Brighton and Monroe County. These agreements are for the Community Development Block Grant (CDBG) Program for the following years:

2013 CDBG Crittenden Road Sidewalk Project, $32,625
2014 CDBG Crittenden Road Phase II Sidewalk Project, $34,750

The CDBG Program has been successfully implemented throughout the Town of Brighton over the last several years. The money has been used to install sidewalks throughout the Town giving the residents a safer path to walk within the Town.

Sincerely,

Chad Roscoe
Junior Engineer