

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
June 24, 2015

Present:

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

Daniel Aman, Town Clerk
Kenneth Gordon, Attorney for the Town
Mark Henderson, Chief of Police
Tim Keef, Commissioner of Public Works
Suzanne Zaso, Director of Finance

MEETING CALLED TO ORDER AT 7:05 PM:

RECOGNITIONS/PRESENTATIONS:

New York State Senate Liberty Medal presented by Supervisor William Moehle and Chief of Police Mark Henderson.

New York State Senate Liberty Medal

Brighton Police Sergeant Allison Laubacher
Brighton Police Officer Richard Kosakowski
Brighton Police Officer Michael Romach
Brighton Police Officer Brad Steve
Monroe County Deputy Sheriff William Connell
Brighton Firefighter Denis Jeffries
Brighton Firefighter Chad Orioli

Brighton Police Department Awards presented by Brighton Police Chief Mark Henderson

Excellent Police Service Awards:

Brighton Police Lieutenant Ron Ward
Brighton Police Officer Jose Caraballo
Brighton Police Officer Stephen Hunt
Brighton Police Officer Julie Knutowicz
Brighton Police Officer Mark Skidmore

Life Saving Award:

Brighton Police Sergeant Allison Laubacher
Brighton Police Officer Richard Kosakowski,
Brighton Police Officer Ryan Lehigh
Brighton Police Officer Michael Romach
Brighton Police Officer Brad Steve
Monroe County Deputy Sheriff William Connell
Brighton Firefighter Denis Jeffries
Brighton Firefighter Chad Orioli

OPEN FORUM:

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:

BIDS:

MATTER RE: Authorize solicitation for proposals to provide construction services for the installation of the proposed Brickyard Trail (*see Resolution 2 and letter dated June 9, 2015 from Michael Guyon, P.E. Town Engineer*).

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: Authorize the solicitation for proposals to provide design services to develop bid specifications associated with the roof replacement project at the main building of the Town Operation Center (*see Resolution 3 and letter dated June 11, 2015 from Michael Guyon, P.E. Town Engineer*).

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: Police Chief Mark Henderson to Town Board Members dated June 16, 2015 regarding the resignation of a particular Brighton Police Officer.

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio to receive and file the aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services – Met on 6/22/15; next meeting 9/21/15 at 4:30 PM at Brookside School.

Finance and Administrative Services – Met on 6/16/15; next meeting 6/30/15 at 3:30 PM in the Stage Conference Room at Town Hall.

Public Safety Services – Has not met since last Town Board meeting; next meeting 7/14/15 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 7/7/15 at 9:00 AM in the Downstairs Meeting Room at Town Hall.

OLD BUSINESS:

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: Approval of amendment to the Amended Incentive Zoning Application for the project known as the Reserve (see *Resolution 1*).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute all offer letters and purchase agreements for the acquisition of six (6) parcels to be used as part of the Highland Crossing Trail (see *Resolution 4 and letter dated June 11, 2015 from Michael Guyon, P.E. Town Engineer*).

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. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute all associated applications and agreements with the State of New York pertaining to the transfer and conveyance of three (3) particular State owned parcels to be used as part of the Highland Crossing Trail (see *Resolution 5 and letter dated June 11, 2015*).

Motion by Councilmember Jason DiPonzio 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. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to declare current Fire Marshal vehicle as surplus to be used as a trade-in on the purchase of replacement vehicle using 2015 budgeted funding for same (see *Resolution 6 and letter dated June 12, 2015 from Timothy Keef, P.E. Commissioner of Public Works*).

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. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file letter from Ramsey Boehner, Town Planner recommending the Town Board designate itself lead agency under SEQR for the Daniele Family project dated June 19, 2015 (see *Resolution 7*)

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros 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

ADJOURNED AT 8:20 PM:

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to adjourn at 8:20 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.

**TOWN BOARD MEETING
June 24, 2015
7:00 P. M.**

**Brighton Town Hall
2300 Elmwood Avenue**

MEETING CALLED TO ORDER:

PRESENTATIONS:

The Honorable Joseph E. Robach, NY State Senator – Liberty Awards

Brighton Police Chief Mark Henderson

- Distinguished Service Award/s
- Citizen Citation Award/s
- Excellent Police Service Award/s
- Life Saving Award/s

OPEN FORUM:

APPROVAL OF AGENDA:

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

PUBLIC HEARINGS:

BIDS:

MATTER RE: Authorize solicitation for proposals to provide construction services for the installation of the proposed Brickyard Trail (*see Resolution 2 and letter dated June 9, 2015 from Mi chael Guyon, P.E. Town Engineer*).

MATTER RE: Authorize the solicitation for proposals to provide design services to develop bid specifications associated with the roof replacement project at the main building of the town operation Center (*see Resolution 3 and letter dated June 11, 2015 from Mi chael Guyon, P.E. Town Engineer*).

COMMUNICATIONS:

FROM: Police Chief Mark Henderson to Town Board Members dated June 16, 2015 regarding the resignation of a particular Brighton Police Officer.

COMMITTEE REPORTS:

Parks and Recreation & Community Services
Finance and Administrative Services
Public Safety Services
Public Works Services

OLD BUSINESS:**NEW BUSINESS:**

- MATTER RE:** Reading and approval of claims
- MATTER RE:** Approval of amendment to the Amended Incentive Zoning Application for the project known as the Reserve (*see Resolution 1*).
- MATTER RE:** Authorize Supervisor to execute all offer letters and purchase agreements for the acquisition of six (6) parcels to be used as part of the Highland Crossing Trail (*see Resolution 4 and letter dated June 11, 2015 from Michael Guyon, P.E. Town Engineer*
- MATTER RE:** Authorize Supervisor to execute all associated applications and agreements with the State of New York pertaining to the transfer and conveyance of three (3) particular State owned parcels to be used as part of the Highland Crossing Trail (*see Resolution 5 and letter dated June 11, 2015*).
- MATTER RE:** Approval to declare current Fire Marshal vehicle as surplus to be used as a trade-in on the purchase of replacement vehicle using 2015 budgeted funding for same (*see Resolution 6 and letter dated June 12, 2015 from Timothy Keef, P.E. Commissioner of Public Works*).
- MATTER RE:** Receive and file letter from Ramsey Boehner, Town Planner recommending the Town Board designate itself lead agency under SEQR for the Daniele Family project dated June 19, 2015 (*see Resolution 7*)

MATTERS OF THE SUPERVISOR:**MATTERS OF THE ATTORNEY TO THE TOWN:****MATTERS OF THE TOWN CLERK:****MATTERS OF THE BOARD:****MOTION TO GO INTO EXECUTIVE SESSION:****MEETING ADJOURNED:****NEXT TOWN BOARD MEETING:**

July 8, 2015 - 7:00 pm
 Brighton Town Hall
 2300 Elmwood Avenue

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 24th day of June, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated June 9, 2015 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the solicitation of bids for construction services to install the proposed Brickyard Trail, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Engineer to solicit bids for construction services to install the proposed Brickyard Trail.

Dated: June 24, 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

June 9, 2015

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

Re: Brickyard Trail
Solicit a Request for Bidders.

Dear Councilperson Werner and Committee Members:

Bayer Landscape Architecture, PLLC, is developing final construction bid documents for the above referenced project. Plans have been submitted to the NYSDEC, USACOE and the MCDOT for review and approval. Once these approvals are obtained we would like to advertise the project for bid. I am requesting authorization to solicit a request for bidders to provide those construction services necessary to install the proposed Brickyard Trail referenced above. Funds are available for this project in the Parkland Trust Fund account. No action as to awarding a contract will be considered without returning to this committee.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled June 16, 2015 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon
Town of Brighton

cc: S. Zaso
T. Keef
Mary Ann Hussar

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 24th day of June, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

RESOLVED, that correspondence dated June 11, 2015 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the solicitation of proposals for professional design services to develop construction bid documents for the Roof Replacement Project at the Operation Center Main Building, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Engineer to solicit proposals for professional design services to develop construction bid documents for the Roof Replacement Project at the Operation Center Main Building.

Dated: June 24, 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

June 11, 2015

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

Re: Town of Brighton Operation Center Building
Prepare and solicit an RFP for professional design services for new roof

Dear Councilperson Werner and Committee Members:

I am requesting authorization to prepare and solicit a request for proposals for professional design services to develop construction bid documents regarding the Roof Replacement for the Operation Center Main Building. A draft request for qualifications has been prepared and is attached for your reference. The Town Board has authorized the appropriate borrowing to fund the roof replacement project.

No action as to awarding a contract will be considered without returning to this committee. As always, thank you for your consideration. I will be in attendance at your regularly scheduled June 16, 2015 meeting in the event that you have any questions regarding this matter.

Respectfully,

Michael E. Guyon, P.E.
Town Engineer

cc: T. Keef
S. Zaso
Mary Ann Hussar
T. Anderson



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK
DEPARTMENT OF PUBLIC WORKS

Request for Proposal (RFP)
Town of Brighton Operations Center
Roof Rehabilitation

June 16, 2015

The Town of Brighton is soliciting proposals from engineering and architectural firms for design, bidding and construction administration services related to the rehabilitation of the existing Town of Brighton operation center roof.

Sealed proposals must be received by either mail or personal delivery on or before Thursday, July 23, 2015, at 10:00 a.m. EST. Proposals received after the specified time will not be considered. Proposals shall be sealed and plainly marked on the outside of the envelope/box with RFP Operations Center Roof Rehabilitation with the name of firm submitting proposal. It is the sole responsibility of the proposer to assure that their proposal is received by the Town of Brighton prior to the time specified. One (1) original and five (5) identical copies should be submitted to the following address:

Town of Brighton
Department of Public Works
2300 Elmwood Avenue
Rochester, New York 14618

This RFP neither commits the Town of Brighton to award a contract, nor reimburse any costs associated with the preparation or submittal of proposals in this regard. The Town reserves the right to reject any and all proposals, and to negotiate with any or all proposers, should it be deemed to be in the best interest of the Town of Brighton.

Project Description

The Town of Brighton Operations Center is located at 1941 Elmwood Avenue. In 1990 the Town of Brighton prepared construction documents to re-roof the Town Hall, Public Safety Wing, Public Library and the Operation Center. A copy of these plans is included as Appendix A. The bid documents sectioned the Town Hall, Public Safety Wing, and Operations Center roofs into several alternate bidding areas. Figure 1 illustrates the Operations Center areas. Due to budget constraints the Town of Brighton elected to re-roof a portion of the Public Safety Wing, Operation Center Roofs 2, 3, and 4 as shown in Figure 1 and the Operations Center storage building. In 2013 the roofs of the Town Hall and Public Safety wing were renovated. The Town of Brighton is now considering the re-roof of the Operations Center roof area no. 1 as shown in figure 1.

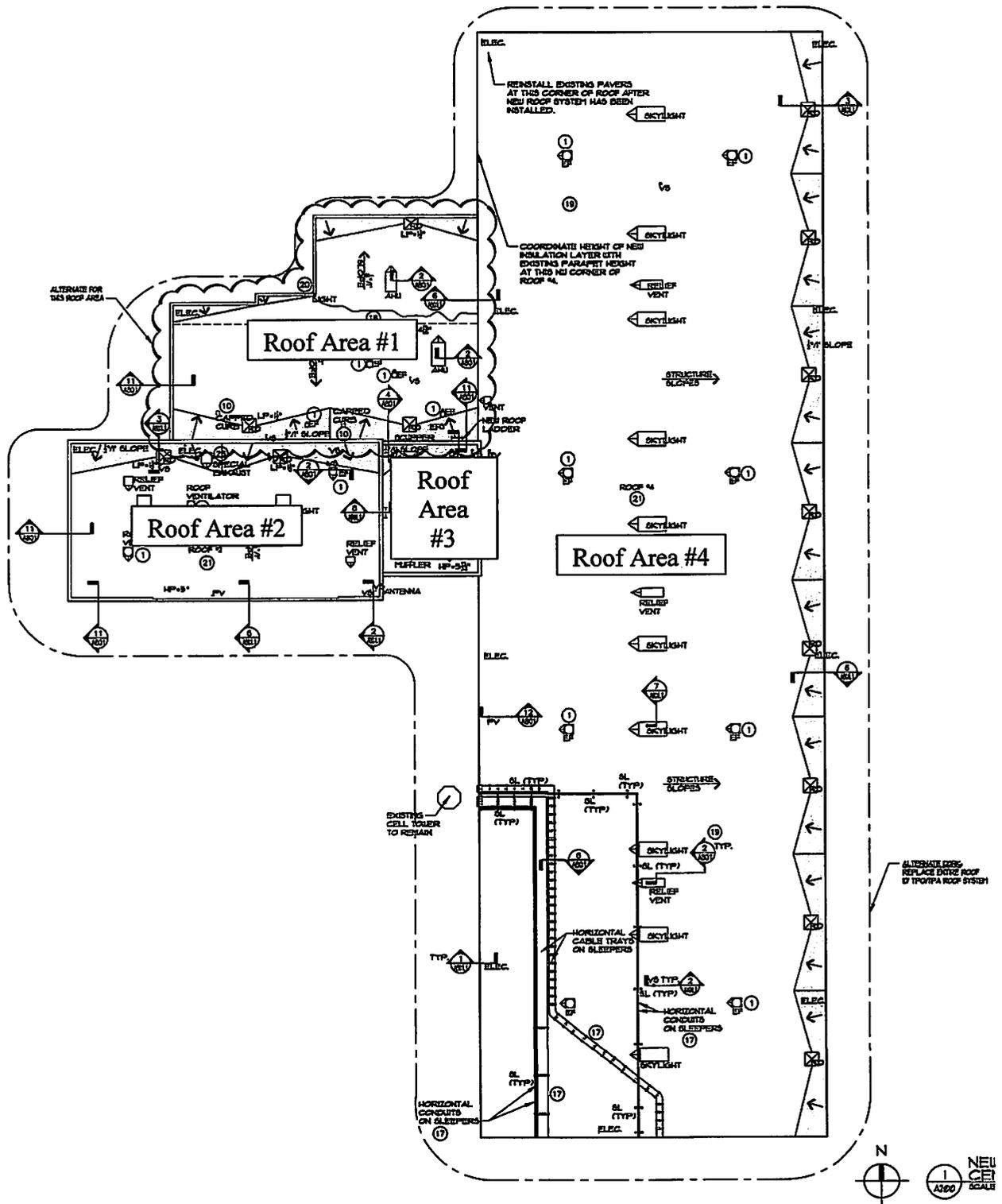
The Town is seeking a professional firm to evaluate the existing roof; prepared construction documents for public bid; provide construction administration and perform periodic construction observation services.

In addition to price, the following factors will be considered during the evaluation of the Proposals:

- Understanding of the project.
- Specialized experience and technical competence of firm.
- Past performance with respect to roof design.



Figure 1



Scope of Services

The Consultant shall provide the following services:

1. The consultant shall meet with Town staff to discuss the project design strategy, and project schedule.
2. Prepare construction design drawings, details and specification for public bid. The Town of Brighton will provide the general requirements for the bidding documents. The consultant will be responsible to insure the bidding document general requirements are consistent with the project. In addition the consultant shall obtain the NYS prevailing wage rate information. Seventy five percent complete and ninety five percent complete construction documents must be submitted to Town Staff for review and comment.
3. A probable cost of construction based on seventy five percent complete construction plans shall be submitted to the Town of Brighton for review. An updated estimate must be provided prior to advertising the project bid documents.
4. The consultant shall provide the following bid support services.
 - a. Prepare the Advertisement for Bid. The Town of Brighton will place the advertisement in the local paper.
 - b. Attend a Pre-Bid meeting at the Town of Brighton
 - c. Prepare addendums and clarifications
 - d. Attend Bid Opening
 - e. Review the Bid Submittals
 - f. Prepare a letter recommending the responsible low bidder.
5. The consultant shall provide the following construction administration services
 - a. Coordinate contract documents. Three sets of signed construction documents must be prepared by the consultant. Town Staff will coordinate and attend Town Board meetings and obtain the appropriate Town representative signatures.
 - b. Schedule and chair the preconstruction meeting. The consultant will be responsible for meeting agenda, meeting minutes and sign in sheet
 - c. Review shop drawings
 - d. Prepare change orders and project clarifications
 - e. Process payment applications
 - f. Prepare appropriate close out documentation including final punch lists
 - g. Attend project meetings. Three project meetings including the preconstruction meeting are anticipated.
6. The consultant shall provide periodic observation services. The consultant shall observe the roof tear-off and identify deficiencies not previously noted. The consultant should conduct weekly inspection of the roof installation. The consultant shall provide daily and weekly reports to the Town of Brighton Town staff. The consultant shall confirm that the project was constructed in accordance with the design drawings and insure that the final punch list items have been completed.



Deliverables

1. The following deliverable shall be provided.
2. Three copies of 75% Construction Documents for review
3. Three copies of 90% Construction Documents for review
4. Ten copies of the Final Construction Documents
5. Three copies of all construction documentation including preconstruction meeting minutes, approved shop drawings, pay applications, daily and weekly reports.

Meetings

The consultant shall be prepared to attend a minimum of three meetings with Town staff.

Schedule

The Town anticipates awarding this Request for Proposal at the August 12, 2015 Town Board Meeting. The Town would like to complete the roof construction by November 2015.

Fees

The consultant shall provide a not-to-exceed fee to provide those services described in the scope of work. The fee schedule shall provide a list of tasks, staff title assigned to each task, the staff hours anticipated to complete the task, staff hourly rates and total anticipated cost to complete each task. The not to exceed amounts will include all direct and indirect labor charges, material cost, overheads, document reproduction and profits plus all other fees and charges including expenses. The Town will pay the Consultant for services as they are performed and invoiced.

Proposal

The successful proposal will include the following information:

1. A brief narrative, no more than two pages, which demonstrates the consultant's understanding of the project and the needs of the area; specialized experience and technical competence; past performance with respect to roofing systems; and the specific experience of individuals who constitute the consultant team.
2. List of staff assigned to the project along with their hourly rate.
3. A brief description of three similar projects.
4. A cost proposal as described in the Fees section.
5. Identification of any possible conflicts of interest.

Selection Process

The Selected Consultant shall be a professional firm that is regularly engaged in the type of consulting work required by this RFP.

After receipt and review of the written proposal, the Town may elect to have the proposal presented in person, or clarifications submitted in writing.



June 16, 2015

Once all proposals have been reviewed, the recommended selection will be submitted to the Town Board for approval. All of the contents called for in this RFP, as well as the firm's past history with the Town and the potential for conflicts of interest, will be evaluated in making a recommendation. The Town may reject all proposers, or may negotiate with a proposer, at its sole option.

All Consultants submitting a proposal will be notified, upon final determination by the Town of the firm selected to perform the requested work.

An original and three copies of the Proposal should be sent to: Tim Keef, Commissioner of Public Works, Town of Brighton, 2300 Elmwood Ave., Rochester, NY 14618. The proposals must be received at Town Hall by 10:00 AM on Thursday, July 23, 2015. Please direct any questions about the project or the proposal process to Michael Guyon, Town Engineer, at 585-784-5225. Thank you for your interest in the project.

Sincerely,



Michael E. Guyon, P.E.
Town Engineer



APPENDIX A

2009 DESIGN DRAWINGS



CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

June 24, 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 | \$ | <u>237,997.45</u> |
| D - HIGHWAY | | <u>250,550.53</u> |
| H - CAPITAL | | <u>533,797.64</u> |
| L - LIBRARY | | <u>38,962.22</u> |
| SA - AMBULANCE DIST | | <u>11,600.03</u> |
| SB - BUSINESS IMPROVM | | <u>270.00</u> |
| SD - DRAINAGE DIST | | <u>0.00</u> |
| SF - FIRE DIST | | <u>591.65</u> |
| SK - SIDEWALK DIST | | <u>9,009.22</u> |
| SP-PARKS DISTRICT | | <u>125.00</u> |
| SS - SEWER DIST | | <u>47,639.73</u> |
| TA - AGENCY TRUST | | <u>29,169.18</u> |
| TE - EXPENDABLE TRUST | | <u>1,402.83</u> |
| TOTAL | \$ | <u>1,161,115.48</u> |

UPON ROLL CALL

MOTION CARRIED _____

APPROVED BY:

SUPERVISOR_____
COUNCIL MEMBER_____
COUNCIL MEMBER

TO THE SUPERVISOR:

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

DATE_____
TOWN CLERK

At a Town Board Meeting, of the Town of
Brighton, Monroe County, New York, held
at the Brighton Town Hall, 2300 Elmwood
Avenue, in said Town of Brighton on the
24th day of June, 2015

PRESENT:

WILLIAM W. MOEHLE, Supervisor

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

WHEREAS, Anthony J. Costello and Son (Joseph) Development, LLC ("Costello") previously submitted an Incentive Zoning and Rezoning Application seeking to rezone approximately 63 acres in the Town of Brighton from Residential B (RLB) to Waterfront Development District (WD), with various proposed incentives and amenities, in order to create a planned residential community (the "Project"); and

WHEREAS, the land which was the subject of the above referenced Incentive Zoning and Rezoning Application is bounded on the north by Interstate Route 590, on the west by South Clinton Avenue, and a parcel owned by Entercom Rochester, on the east by the Town of Brighton Meridian Centre Park, and on the south by the Erie Canal (the "Property"), which is more particularly described in Schedule A attached hereto and made a part hereof; and

WHEREAS, in connection therewith, Costello submitted an Environmental Assessment Form, dated June 14, 2007 ("EAF") for the Project, and the Town undertook environmental review of the Project as lead agency under the State Environmental Quality Review Act ("SEQRA") following the determination by the Town Board that the development of the Project was a Type 1 Action under SEQRA, which necessitated the preparation by Costello of an Environmental Impact Statement ("EIS") and the completion of the SEQRA review process; and

WHEREAS, following a hearing on the scope of the EIS, a final scope was approved by the Town Board on December 12, 2007; and

WHEREAS, Costello thereafter submitted a Draft Environmental Impact Statement ("DEIS") to the Town Board, which was the subject of a public hearing on June 11, 2008; and

WHEREAS, Costello thereafter submitted a Final Environmental Impact Statement to the Town on January 26, 2009, which was conditionally accepted by the Town Board on January 28, 2009 and which was the subject of a public hearing on February 25, 2009; and

WHEREAS, following the public hearing the Town Board determined that the Project was an appropriate use of the Property and that mitigation measures had been identified to minimize any potential adverse environmental impacts to the maximum extent practicable, the Town Board approved the SEQRA Finding Statement with respect to the Project on February 25, 2009; and

WHEREAS, following SEQRA approval, two additional public hearings were held by the Town Board on the Project, on March 11, 2009 and March 25, 2009 and the Planning Board submitted its recommendations regarding the Project to the Town Board, which reviewed and considered such recommendations; and

WHEREAS, the Town Board made its own findings with respect to the Project and approved the Project on March 25, 2009 subject to certain conditions set forth as attachments to the Town Board's March 25, 2009 Resolution, including that the loft buildings may have an exposed height to the roof deck of up to 70 feet, and to the parapets of up to 75 feet; and **WHEREAS**, by correspondence dated January 19, 2011, Costello and the Town clarified the conditions of the Project approval by agreeing that all single family detached residential units will be owned in fee simple and not made part of a condominium and that all townhomes, not to exceed 91 in number, and all loft units, not to exceed 168 in number, were to be held in condominium ownership, with any deviation in the future to require review and action by the Town Board after a public hearing; and

WHEREAS, Costello requested such a deviation to the Project, as described in letters dated April 1, 2015 and June 5, 2015 from Jerry Goldman, Esq. (collectively the "Proposal"), requesting to change the planned units in the Brewerton Community from 26 single family detached residences to 35 ranch condominium townhouses, based on the fact that only 72 townhouse units had previously been approved, and that the number of loft units would be reduced by 16, which would leave the total number of condominium units approved for the project unchanged at 259; and

WHEREAS, on May 27, 2015 the Town Board received and filed correspondence dated May 6, 2015, from Ramsey A. Boehner, Executive Secretary to the Town of Brighton Planning Board, containing the Planning Board's advisory recommendations with respect to the Proposal; and

WHEREAS, on June 10 2015 the Town Board conducted a public hearing to consider the Proposal;

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

RESOLVED, that based on the documents and materials submitted by Costello to the record of the public hearing on the Proposal, and the oral and written comments received by the Town Board during the public hearing, the Town Board make the following additional findings with respect to the Proposal:

1. The Proposal does not materially change the environmental impacts identified by the Town in its original review and approval of the Project under SEQRA; and

2. The Proposal is consistent with the Town Board's approval of the Findings Statement for the Project under SQRA; and

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 Chapter 209 of the Town Code of the Town of Brighton, the Town Board approves the modification of the conditions of the Project approval consistent with the Proposal, subject, however, to the conditions set forth in Schedule B attached hereto and made a part hereof; and

IT IS FURTHER RESOLVED, that except as otherwise amended by this Resolution, the Resolution of the Town Board dated March 25, 2009 with respect to the Project, remains in full force and effect, and

IT IS 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: June 24, 2015

Schedule A

Description of Lands

All that tract or parcel of land being part of Town Lots 39, 40 and 47 in the Second Division of Township 13, Range 7 in the Phelps and Gorham Purchase, situate in the Town of Brighton, County of Monroe, and State of New York, being more particularly described as follows:

Beginning at a Point in the easterly right of way line of Clinton Avenue South (Monroe County Route #100) at its intersection with southerly right of way line of Interstate Route #590 (width varies), thence the following seven (7) courses along the southerly bounds of said Interstate Route #590:

- 1) North 86° 55' 02" East, a distance of 115.96' feet to a point, thence;
- 2) North 55° 52' 47" East, a distance of 83.85' feet to a point, thence;
- 3) North 81° 32' 19" East, a distance of 188.02' feet to a point, thence;
- 4) North 89° 08' 30" East, a distance of 237.21' feet to a point, thence;
- 5) North 86° 43' 35" East, a distance of 366.55' feet to a point, thence;
- 6) South 83° 31' 52" East, a distance of 766.94' feet to a point, thence;
- 7) South 79° 31' 19" East, a distance of 514.41' feet to a point, thence;
- 8) South 21° 22' 42" West, and along the westerly boundary line of lands of the Town of Brighton, a distance of 1,108.48' feet to a point, thence;
- 9) South 67° 54' 41" East, and along the southerly boundary line of lands of said Town of Brighton a distance of 645.12' feet to a point, thence;
- 10) South 03° 31' 34" East, and along the westerly boundary line of lands of said Town of Brighton, a distance of 677.30' feet to a point in the northerly boundary line of lands of the State of New York (Erie Canal), thence the following three (3) courses along said northerly boundary line:
- 11) North 67° 54' 41" West, a distance of 669.09' feet to a point, thence;
- 12) South 67° 05' 19" West, a distance of 141.42' feet to a point, thence;
- 13) North 67° 54' 41" West, a distance 1,411.62' feet to a point, thence;
- 14) North 21° 34' 39" East, and along the easterly boundary line of lands of now or formerly WBBF, Inc., a distance of 1,454.38' feet to a point, thence;

- 15) South $86^{\circ} 42' 24''$ West, and along the northerly boundary line of said lands of WBBF, Inc., a distance of 642.22' feet to a point; thence;
- 16) South $63^{\circ} 14' 34''$ West, and continuing along the northerly boundary line of said lands of WBBF, Inc., a distance of 369.98' feet to a point in the easterly right of way line of Clinton Avenue South, thence;
- 17) North $06^{\circ} 40' 05''$ East, and along said easterly right of way line of Clinton Avenue South, a distance of 130.00' feet to the Point of Beginning containing 2,658,944± square feet or 61.041± acres.

SCHEDULE B

1. That, the number of stories in the loft condominiums buildings shall be reduced from 5 stories to 4 stories above grade, and Paragraph 3 of Schedule D-2 of the Incentive Zoning and Rezoning resolution shall be amended to state that the loft buildings may have maximum elevation to the roof peak of 65 feet above the finished first floor elevation (established by the Planning Board as 509 feet for the two easterly left buildings and 512 feet for the remaining loft buildings). In the event that a flat roof is utilized, the maximum exposed height to the roof deck shall be 60 feet and the maximum height to any parapets shall be 65 feet.
2. That, the total number of townhouse condominiums units to be built in the Brewerton Community shall not exceed 35 units and the total number of condominium units to be built in the loft buildings shall not exceed 152
3. That, the number of townhouse condominium units shall not exceed 107 units for the entire Project.
4. That, the total number of condominium units shall not exceed 259 units for the entire Project.
5. That, the proposed townhouse units to be built in the Brewerton Community and the loft units shall only be developed in accord with this resolution and in general accord with the Proposal.
6. That, the proposed and required modifications to the lofts units and Brewerton Community shall be subject to Planning Board Site Plan and Subdivision approval.
7. That, any subdivision of the Project, and any site plan for the Project, shall be subject to the approval of the Planning Board and of the Town Engineer of the Town of Brighton, and shall be consistent with this Resolution.
8. That, in addition to any other required approvals, all exterior sides of modified loft units and the proposed townhouse units shall be subject to the approval of the Architectural Review Board of the Town of Brighton, as provided in the Code of the Town of Brighton, New York, Comprehensive Development Regulations (CDR).
9. As offered and agreed to by Applicant, the Applicant agrees that the Fort Plain neighborhood will not be converted to townhouses and/or condominiums and the applicant agrees to execute and deliver to the Town a memorandum of agreement, in recordable form, which agreement shall run with the land and be recorded in the Office of the Monroe County Clerk.

10. That, the conditions set forth herein may be altered, modified and/or removed only upon written consent of Costello and the approval of the Town Board after a public hearing.

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

ATTORNEYS
woodsoviatt.com

June 5, 2015

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

Re: The Reserve – Brewerton Community/Loft Buildings

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 letter dated April 1, 2015, we commenced the process to obtain Town approvals to modify the style of housing in the Brewerton Community from 26 single family residences to 35 ranch condominium townhouses. In our initial submissions, we indicated that the project would stay within the reviewed, approved, and authorized 259 condominium units in the project by utilizing 19 unallocated condominium units within the overall development, and reducing the number of loft condominium units by 16.

At the time of our earlier submissions, it was uncertain as to the method by which the number of loft condominiums would be reduced. Three alternatives were presented: (1) increasing the square footage of the loft units, keeping the same footprint of the existing buildings, (2) reducing the number of stories in the loft buildings from 5 stories to 4 stories, and (3) elimination of one or more loft buildings.

Through the steps that this process has taken, including: (1) informal presentation before the Town Board, (2) Planning Board review resulting in an advisory report to the Town Board, and (3) meeting with the Town Board Public Works Committee, a decision was made by the developer to reduce the number of stories in the loft buildings from 5 stories to 4 stories. Although approval of the 5 story loft buildings was a key element of the Incentive Zoning approval, the developer has listened to the comments with regard to height of the loft buildings and is agreeable to this modification, which is perceived to have a positive initial impact.

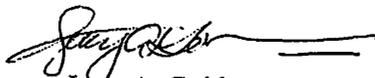
Town Board of the Town of Brighton
Re: The Reserve – Brewerton Community/Loft Buildings
June 5, 2015
Page 2

As a result of this decision relative to the loft buildings, we are pleased to provide our revised estimated real estate tax calculations for the overall Reserve project. This financial projection indicates that with experience data based upon sales to date, the overall Reserve project will result in greater tax revenues to all taxing entities after the conversion of the Brewerton neighborhood to ranch condominium townhomes, and the reduction in height of the loft buildings. A revised chart showing these figures is attached to this letter.

We look forward to presenting this request to the Town Board at the public hearing scheduled on June 10, 2015. If any Board Member has any questions in the interim, 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
Enclosure

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

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 | 336,943 | \$ 260.00 | \$ 87,605,143 | 50% | \$ 43,802,571 | \$ 1,161,814 | \$ 243,701 | \$ 374,949 | \$ 102,515 |
| Total | 672,585 | | \$ 174,940,686 | | \$ 99,615,168 | \$ 2,642,179 | \$ 554,222 | \$ 852,703 | \$ 233,139 |

| | | | | | |
|-----------|---------------|--------------|------------|------------|------------|
| Original | \$ 88,875,897 | \$ 2,516,077 | \$ 539,477 | \$ 851,431 | \$ 197,304 |
| Inc (Dec) | \$ 10,739,271 | \$ 126,103 | \$ 14,746 | \$ 1,272 | \$ 35,834 |

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 therefor,

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

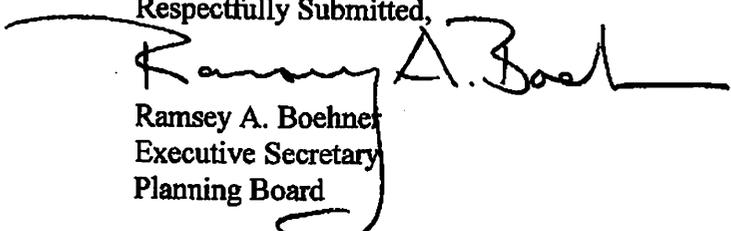
RE: Planning Board Advisory Report regarding modification of Section II of the Reserve housing development to construct 35 ranch style townhouse condominiums where 26 single family homes were proposed to be built in the Brewerton Neighborhood

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 | _____ |

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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.

**--Town Board of the Town of Brighton
Re: The Reserve – Brewerton Community
April 1, 2015
Page 2**

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

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Admitted to practice in New York and Florida



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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.

Town Board of Town of Brighton
The Reserve – Brewerton Neighborhood
May 19, 2015
Page 2

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/S 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 | Town Tax Per \$1,000 | County Tax Per \$1,000 | Fire / Amb Per \$1,000 |
|----------------------------|----------------|------------------------|-----------------------|--|-------------------------------|---------------------------------------|-------------------------|---------------------------|---------------------------|
| Glenville - Townhomes | 116,624 | \$ 187.25 | \$ 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% | \$ 6,430,777 | \$ 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 |
| Meys Point - Townhomes | 72,935 | \$ 194.28 | \$ 14,168,812 | 50% | \$ 7,084,906 | \$ 200,574 | \$ 43,005 | \$ 67,873 | \$ 15,728 |
| Meys 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 | \$ 538,477 | \$ 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 | Town Tax Per \$1,000 | County Tax Per \$1,000 | Fire / Amb Per \$1,000 |
|-----------------------------|----------------|---------------------|-----------------------|--------------------------------------|-------------------------|---------------------------------|----------------------|------------------------|------------------------|
| Glenville - Townhomes | 82,583 | \$ 224.00 | \$ 18,489,592 | 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 | \$ 194,262 | \$ 50,379 |
| Meys Point - Townhomes | 67,076 | \$ 242.00 | \$ 16,232,392 | 50% | \$ 8,116,196 | \$ 215,273 | \$ 45,156 | \$ 69,474 | \$ 18,995 |
| Meys Point - Lofts | 378,560 | \$ 260.00 | \$ 98,431,600 | 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 | \$ 594,395 | \$ 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 \$ 68,527

**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 \$ 5.58 | 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 | \$ 38,981 |

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 24th day of June, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated June 11, 2015 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute offer letters and purchase agreements for the acquisition of six parcels to be used as part of the Highland Crossing Trail together with copies of the proposed offer letters, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the above referenced offer letters for the acquisition of six parcels to be used as part of the Highland Crossing Trail; and be it further

RESOLVED, that, upon acceptance by each property owner of the offer letters referred to above, the Town Board hereby authorizes the Supervisor to execute purchase contracts for the prices set forth in the above referenced offer letters for the acquisition of six parcels to be used as part of the Highland Crossing Trail subject to the review and approval of the form of said purchase contracts by the Attorney to the Town.

Dated: June 24, 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

June 11, 2015

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

Re: Highland Crossing Trail
Property Acquisition

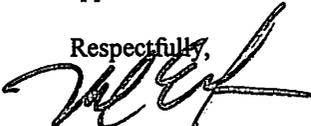
Dear Councilperson Werner and Committee Members:

The proposed Highland Crossing Trail traverses fourteen parcels. A permanent easement is necessary to accommodate the trail on each of these parcels. Easements have been obtained for two parcels owned by St. Johns, an intermunicipal agreement was developed for two parcels owned by the Monroe County Department of Parks and the City of Rochester has authorized the easement on their parcel. Easements must be acquired for the nine remaining parcels. Three of the remaining parcels are owned by New York State and the Town is currently negotiating the type of ownership for these parcels. Subsequent to the property acquisition phase of the Highland Crossing Trail R.K. Hite has provided appraisal reports and reviews for the remaining 6 parcels excluding the New York State owned property. The property acquisition process requires that as the project "Sponsor" the Town of Brighton provide official offers to the owners of the property. These offers are based on an appraisal report prepared by a New York State Certified General Real Estate Appraiser. A qualified review appraiser has reviewed the appraisal report. The Town has established an amount that represents "just compensation" for the property to be acquired. This amount includes the compensation for the interest to be acquired, improvements, if any, and all legal damages that may be caused to your remaining holdings. I am requesting that upon review and approval by the Town Attorney FASC recommend that the Town Board authorize the supervisor to sign the official offer letters. I have attached a copy of the letters for your reference. Additionally, upon acceptance of the offer by the property owner and review and approval by the Town Attorney I am requesting that the FASC recommend that the Town Board authorize the Supervisor to enter into a purchase agreement with the property owner.

The Town of Brighton received \$200,000 in TIP funding for land acquisition. The total land acquisition compensation is estimated to be \$118,700 well below the available funding. Approximately, \$90,300.00 is required to obtain easements in the Town of Brighton and \$28,400.00 is required to obtain easements in the City. The TIP funding requires that the Town and City provide matching funds equal to 20% of the acquisitions costs.

I will be in attendance at your regularly scheduled June 16, 2015 meeting in the event that you have any questions regarding this correspondence. As always, your consideration of matters such as this is greatly appreciated.

Respectfully,



Michael E. Guyon

Cc Tim Keef
Mary Ann Hussar
Suzanne Zaso

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373
<http://www.townofbrighton.org>





TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

Westfall Office Group LLC
100 Meridian Centre, Suite 305
Rochester, New York 14618

Attn: Mr. Ralph DiTucci

Re: PIN 4754.08 - Highland Park Canalway Trail
Map No. HCT-1, Tax ID No. 149.06-1-2.411
Town of Brighton, Monroe County, New York

Delivered this _____ day of _____, 2015, by _____

Dear Mr. DiTucci:

The Town of Brighton is in the process of acquiring real property rights necessary for the Highland Park Canalway Trail Project. This letter is the Town's official offer to acquire real property rights from a portion of your property for the project.

The offer is based on an appraisal report prepared by a New York State Certified General Real Estate Appraiser. A qualified review appraiser has reviewed the appraisal report. The Town has established an amount that represents "just compensation" for the property to be acquired. This amount includes the compensation for the interest to be acquired, improvements, if any, and all legal damages that may be caused to your remaining holdings.

The offer of just compensation is \$21,800.00. As required by federal and state law, the offer represents the approved appraisal amount. Payment will be made together with appropriate interest. You may accept the offer as payment in full or you may elect, without prejudicing your rights, to accept the offer as an advance payment.

The following is a summary of the offer:

| | |
|--|--------------------|
| 1. The value of the land and improvements within the acquisition area: | \$21,800.00 |
| 2. The loss in value to your remaining property: | \$0.00 |
| 3. Cost to cure: | \$0.00 |
| 4. Temporary easement rental value: | \$0.00 |
| TOTAL OFFER OF JUST COMPENSATION: | \$21,800.00 |



Included in the acquired area are the following improvements:

None.

A description of the area and real estate interest to be acquired is shown on the enclosed map.

You may accept the offer as payment in full or you may reject the offer as payment in full and instead elect to accept such offer as an advance payment. Such election shall in no way prejudice your right to claim additional compensation. However, your failure to file a claim within the time of filing claims, as provided in paragraph (B) of section five hundred three of the Eminent Domain Procedure Law, shall be deemed an acceptance of the amount paid as full settlement of such claim.

On acceptance of this offer or an adjusted offer, the Town will enter into a purchase agreement with you providing for payment of either the full or advance amount. Your rights to payment will not be conditioned on a waiver of any other rights.

The Town has hired R. K. Hite & Co., Inc. a right of way consulting firm, to conduct negotiations on our behalf. A right of way specialist from R.K. Hite & Co., Inc. will contact you to schedule an appointment to discuss the acquisition process. At this meeting, the specialist will review the offer and explain the valuation and acquisition processes, including payment procedures. In addition, the specialist will provide details about the proposed construction and the project schedule. Every effort will be made to answer your questions and help you through the process.

The right of way specialist assigned to this project is Mark Porter. Please contact Mr. Porter at (585) 733-7350 or by email at markporter@rkhite.com if you have any questions.

Thank you for your cooperation in this matter.

Sincerely,

TOWN OF BRIGHTON

William W. Moehle
Supervisor



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

Westfall Office Group LLC
100 Meridian Centre, Suite 305
Rochester, New York 14618

Attn: Mr. Ralph DiTucci

Re: PIN 4754.08 - Highland Park Canalway Trail
Map No. HCT-2, Tax ID No. 149.06-1-2.522
Town of Brighton, Monroe County, New York

Delivered this _____ day of _____, 2015, by _____

Dear Mr. DiTucci:

The Town of Brighton is in the process of acquiring real property rights necessary for the Highland Park Canalway Trail Project. This letter is the Town's official offer to acquire real property rights from a portion of your property for the project.

The offer is based on an appraisal report prepared by a New York State Certified General Real Estate Appraiser. A qualified review appraiser has reviewed the appraisal report. The Town has established an amount that represents "just compensation" for the property to be acquired. This amount includes the compensation for the interest to be acquired, improvements, if any, and all legal damages that may be caused to your remaining holdings.

The offer of just compensation is \$54,500.00. As required by federal and state law, the offer represents the approved appraisal amount. Payment will be made together with appropriate interest. You may accept the offer as payment in full or you may elect, without prejudicing your rights, to accept the offer as an advance payment.

The following is a summary of the offer:

| | |
|--|--------------------|
| 1. The value of the land and improvements within the acquisition area: | \$54,500.00 |
| 2. The loss in value to your remaining property: | \$0.00 |
| 3. Cost to cure: | \$0.00 |
| 4. Temporary easement rental value: | \$0.00 |
| TOTAL OFFER OF JUST COMPENSATION: | \$54,500.00 |



Included in the acquired area are the following improvements:

None.

A description of the area and real estate interest to be acquired is shown on the enclosed map.

You may accept the offer as payment in full or you may reject the offer as payment in full and instead elect to accept such offer as an advance payment. Such election shall in no way prejudice your right to claim additional compensation. However, your failure to file a claim within the time of filing claims, as provided in paragraph (B) of section five hundred three of the Eminent Domain Procedure Law, shall be deemed an acceptance of the amount paid as full settlement of such claim.

On acceptance of this offer or an adjusted offer, the Town will enter into a purchase agreement with you providing for payment of either the full or advance amount. Your rights to payment will not be conditioned on a waiver of any other rights.

The Town has hired R. K. Hite & Co., Inc. a right of way consulting firm, to conduct negotiations on our behalf. A right of way specialist from R.K. Hite & Co., Inc. will contact you to schedule an appointment to discuss the acquisition process. At this meeting, the specialist will review the offer and explain the valuation and acquisition processes, including payment procedures. In addition, the specialist will provide details about the proposed construction and the project schedule. Every effort will be made to answer your questions and help you through the process.

The right of way specialist assigned to this project is Mark Porter. Please contact Mr. Porter at (585) 733-7350 or by email at markporter@rkhite.com if you have any questions.

Thank you for your cooperation in this matter.

Sincerely,

TOWN OF BRIGHTON

William W. Moehle
Supervisor



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

Al Sigl Center for Rehabilitation Agencies, Inc.
1000 Elmwood Avenue, Suite 300
Rochester, New York 14620

Attn: Mr. Thomas M. O'Connor

Re: PIN 4754.08 - Highland Park Canalway Trail
Map No. HCT-11, Tax ID No. 136.47-1-20
City of Rochester, Monroe County, New York

Delivered this _____ day of _____, 2015, by _____

Dear Mr. O'Connor:

The Town of Brighton is in the process of acquiring real property rights necessary for the Highland Park Canalway Trail Project. This letter is the Town's official offer to acquire real property rights from a portion of your property for the project.

The offer is based on an appraisal report prepared by a New York State Certified General Real Estate Appraiser. A qualified review appraiser has reviewed the appraisal report. The Town has established an amount that represents "just compensation" for the property to be acquired. This amount includes the compensation for the interest to be acquired, improvements, if any, and all legal damages that may be caused to your remaining holdings.

The offer of just compensation is \$3,300.00. As required by federal and state law, the offer represents the approved appraisal amount. Payment will be made together with appropriate interest. You may accept the offer as payment in full or you may elect, without prejudicing your rights, to accept the offer as an advance payment.

The following is a summary of the offer:

| | |
|--|-------------------|
| 1. The value of the land and improvements within the acquisition area: | \$3,300.00 |
| 2. The loss in value to your remaining property: | \$0.00 |
| 3. Cost to cure: | \$0.00 |
| 4. Temporary easement rental value: | \$0.00 |
| TOTAL OFFER OF JUST COMPENSATION: | \$3,300.00 |



Included in the acquired area are the following improvements:

None.

A description of the area and real estate interest to be acquired is shown on the enclosed map.

You may accept the offer as payment in full or you may reject the offer as payment in full and instead elect to accept such offer as an advance payment. Such election shall in no way prejudice your right to claim additional compensation. However, your failure to file a claim within the time of filing claims, as provided in paragraph (B) of section five hundred three of the Eminent Domain Procedure Law, shall be deemed an acceptance of the amount paid as full settlement of such claim.

On acceptance of this offer or an adjusted offer, the Town will enter into a purchase agreement with you providing for payment of either the full or advance amount. Your rights to payment will not be conditioned on a waiver of any other rights.

The Town has hired R. K. Hite & Co., Inc. a right of way consulting firm, to conduct negotiations on our behalf. A right of way specialist from R.K. Hite & Co., Inc. will contact you to schedule an appointment to discuss the acquisition process. At this meeting, the specialist will review the offer and explain the valuation and acquisition processes, including payment procedures. In addition, the specialist will provide details about the proposed construction and the project schedule. Every effort will be made to answer your questions and help you through the process.

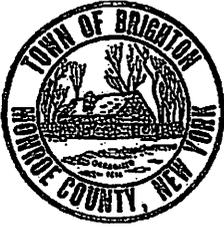
The right of way specialist assigned to this project is Mark Porter. Please contact Mr. Porter at (585) 733-7350 or by email at markporter@rkhite.com if you have any questions.

Thank you for your cooperation in this matter.

Sincerely,

TOWN OF BRIGHTON

William W. Moehle
Supervisor



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

VA Venture Rochester LLC
Mr. Joseph Kotso
Sun Realty Co.
900 Ridge Road, Suite A
Munster, IN 46321

Mr. Robert F. Marvin
Realty Performance Group, Inc.
550 Latona Road, Bldg. E. Suite 502
Rochester, NY 14626

Re: PIN 4754.8 - Highland Park Canalway Trail
Map No. HCT-3, Tax ID No. 136.18-1-4
Town of Brighton, Monroe County, New York

Delivered this _____ day of _____, 2015, by _____

Dear Mr. Kotso and Mr. Marvin:

The Town of Brighton is in the process of acquiring real property rights necessary for the Highland Park Canalway Trail Project. This letter is the Town's official offer to acquire real property rights from a portion of your property for the project.

The offer is based on an appraisal report prepared by a New York State Certified General Real Estate Appraiser. A qualified review appraiser has reviewed the appraisal report. The Town has established an amount that represents "just compensation" for the property to be acquired. This amount includes the compensation for the interest to be acquired, improvements, if any, and all legal damages that may be caused to your remaining holdings.

The offer of just compensation is \$10,000.00. As required by federal and state law, the offer represents the approved appraisal amount. Payment will be made together with appropriate interest. You may accept the offer as payment in full or you may elect, without prejudicing your rights, to accept the offer as an advance payment.

The following is a summary of the offer:

| | |
|--|--------------------|
| 1. The value of the land and improvements within the acquisition area: | \$10,000.00 |
| 2. The loss in value to your remaining property: | \$0.00 |
| 3. Cost to cure: | \$0.00 |
| 4. Temporary easement rental value: | \$0.00 |
| TOTAL OFFER OF JUST COMPENSATION: | \$10,000.00 |



Included in the acquired area are the following improvements:

None.

A description of the area and real estate interest to be acquired is shown on the enclosed map.

You may accept the offer as payment in full or you may reject the offer as payment in full and instead elect to accept such offer as an advance payment. Such election shall in no way prejudice your right to claim additional compensation. However, your failure to file a claim within the time of filing claims, as provided in paragraph (B) of section five hundred three of the Eminent Domain Procedure Law, shall be deemed an acceptance of the amount paid as full settlement of such claim.

On acceptance of this offer or an adjusted offer, the Town will enter into a purchase agreement with you providing for payment of either the full or advance amount. Your rights to payment will not be conditioned on a waiver of any other rights.

The Town has hired R. K. Hite & Co., Inc. a right of way consulting firm, to conduct negotiations on our behalf. A right of way specialist from R.K. Hite & Co., Inc. will contact you to schedule an appointment to discuss the acquisition process. At this meeting, the specialist will review the offer and explain the valuation and acquisition processes, including payment procedures. In addition, the specialist will provide details about the proposed construction and the project schedule. Every effort will be made to answer your questions and help you through the process.

The right of way specialist assigned to this project is Mark Porter. Please contact Mr. Porter at (585) 733-7350 or by email at markporter@rkhite.com if you have any questions.

Thank you for your cooperation in this matter.

Sincerely,

TOWN OF BRIGHTON

William W. Moehle
Supervisor



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

293 A Alden Road, LLC
Morgan Management, LLC
P.O. Box 1660
Pittsford, New York 14534

Attn: Mr. Robert Morgan

Re: PIN 4754.08 - Highland Park Canalway Trail
Map Nos. HCT-7, HCT-12 & HCT-14
Tax ID Nos. 136.56-1-1 & 136.14-1-1.2
Town of Brighton, Monroe County, New York

Delivered this _____ day of _____, 2015, by _____

Dear Mr. Morgan:

The Town of Brighton is in the process of acquiring real property rights necessary for the Highland Park Canalway Trail Project. This letter is the Town's official offer to acquire real property rights from a portion of your property for the project.

The offer is based on an appraisal report prepared by a New York State Certified General Real Estate Appraiser. A qualified review appraiser has reviewed the appraisal report. The Town has established an amount that represents "just compensation" for the property to be acquired. This amount includes the compensation for the interest to be acquired, improvements, if any, and all legal damages that may be caused to your remaining holdings.

The offer of just compensation is \$29,100.00. As required by federal and state law, the offer represents the approved appraisal amount. Payment will be made together with appropriate interest. You may accept the offer as payment in full or you may elect, without prejudicing your rights, to accept the offer as an advance payment.

The following is a summary of the offer:

| | |
|--|--------------------|
| 1. The value of the land and improvements within the acquisition area: | \$27,600.00 |
| 2. The loss in value to your remaining property: | \$0.00 |
| 3. Cost to cure: | \$0.00 |
| 4. Temporary easement rental value: | \$1,500.00 |
| TOTAL OFFER OF JUST COMPENSATION: | \$29,100.00 |

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373

<http://www.townofbrighton.org>



Included in the acquired area are the following improvements:

None.

A description of the area and real estate interest to be acquired is shown on the enclosed map.

You may accept the offer as payment in full or you may reject the offer as payment in full and instead elect to accept such offer as an advance payment. Such election shall in no way prejudice your right to claim additional compensation. However, your failure to file a claim within the time of filing claims, as provided in paragraph (B) of section five hundred three of the Eminent Domain Procedure Law, shall be deemed an acceptance of the amount paid as full settlement of such claim.

On acceptance of this offer or an adjusted offer, the Town will enter into a purchase agreement with you providing for payment of either the full or advance amount. Your rights to payment will not be conditioned on a waiver of any other rights.

The Town has hired R. K. Hite & Co., Inc. a right of way consulting firm, to conduct negotiations on our behalf. A right of way specialist from R.K. Hite & Co., Inc. will contact you to schedule an appointment to discuss the acquisition process. At this meeting, the specialist will review the offer and explain the valuation and acquisition processes, including payment procedures. In addition, the specialist will provide details about the proposed construction and the project schedule. Every effort will be made to answer your questions and help you through the process.

The right of way specialist assigned to this project is Mark Porter. Please contact Mr. Porter at (585) 733-7350 or by email at markporter@rkhite.com if you have any questions.

Thank you for your cooperation in this matter.

Sincerely,

TOWN OF BRIGHTON

William W. Moehle
Supervisor

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 24th day of June, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

WHEREAS, the State of New York ("State") is the owner of a parcel of property located at 620 Westfall Road, Tax Map No. 136.18-1-1 in the Town of Brighton, Monroe County, New York, consisting of approximately 127,160.9± plus or minus sq. ft. (2.92± plus or minus acres) hereinafter referred to as the "Premises"; and

WHEREAS, the State is authorized to convey its right, title and interest in the Premises to the Town of Brighton, Monroe County, New York pursuant to Section 34 of the Public Lands Law for the purpose set forth in the statute; and

WHEREAS, it is the desire of the Town of Brighton, Monroe County, New York to apply for a transfer and conveyance of the Premises for the purposes of park and recreation; and

WHEREAS, the consideration for the transfer and conveyance of the Premises as set forth in Section 34 is One Dollar (\$1.00).

NOW THEREFORE, it is hereby

RESOLVED, that correspondence dated June 11, 2015 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to apply to the State of New York Office of General Services for transfer and conveyance of the state owned property comprising a portion of the Highland Crossing Trail so as to initiate the land

transfer process of such parcels, be received and filed; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to apply to the State of New York Office of General Services for the transfer and conveyance of the Premises which constitutes a portion of the Highland Crossing Trail for the purposes of park and recreation pursuant to Section 34 of the Public Lands Law; and be it further; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute all documents necessary to effectuate said use and transfer and conveyance of the Premises and that such documents shall be subject to the review and approval of the Attorney to the Town as to form and substance, and be it further

RESOLVED, that title shall be transferred after such environmental reviews as may be required by the State Environmental Quality review Act have been completed.

Dated: June 24, 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

June 11, 2015

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

Re: Highland Crossing Trail
Property Acquisition
New York State Owned Property

Dear Councilperson Werner and Committee Members:

The proposed Highland Crossing Trail traverses fourteen parcels. Three of these parcels are owned by New York State. In a letter dated December 22, 2014 the State indicated that they are unwilling to grant a permanent easement for the trail but willing to transfer the State Land to the Town of Brighton and the City of Rochester for a nominal consideration. The Town of Brighton must approve a resolution authorizing the Town Supervisor to apply to the State of New York Office of General Services for transfer and conveyance of the state owned property to initiate the land transfer process. A copy of the proposed resolution is attached for your reference.

I am requesting that the FASC recommend that the Town Board authorize the Supervisor to apply to the New York State Office of General Services for the transfer and conveyance of the State owned property to accommodate the Highland Crossing Trail. A map is attached showing the state owned property to be acquired within the Town of Brighton.

I will be in attendance at your regularly scheduled June 16, 2015 meeting in the event that you have any questions regarding this correspondence. As always, your consideration of matters such as this is greatly appreciated.

Respectfully,

Michael E. Guyon
Department of Public Works

Cc Tim Keef
Mary Ann Hussar
Suzanne Zaso

2300 Elmwood Avenue • Rochester, New York 14618 • 585-784-5250 • Fax: 585-784-5373
<http://www.townofbrighton.org>



RESOLUTION NO. _____ OF _____

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO APPLY TO THE STATE OF NEW YORK OFFICE OF GENERAL SERVICES FOR TRANSFER AND CONVEYANCE OF A CERTAIN PARCEL OF STATE LAND KNOWN AS "620 WESTFALL ROAD, TAX MAP NO. 136.18-1-1", LOCATED IN THE TOWN OF BRIGHTON, MONROE COUNTY), NEW YORK.

WHEREAS, the State of New York ("State") is the owner of a parcel of property located at 620 Westfall Road, Tax Map No. 136.18-1-1 in the Town of Brighton, Monroe County, New York, consisting of approximately 79,634.0± sq. ft., 1.83± acres), hereinafter referred to as the "Premises;" and

WHEREAS, the State is authorized to convey its right, title and interest in the Premises to the Town of Brighton, Monroe County, New York pursuant to Section 34 of the Public Lands Law for the purpose set forth in the statute; and

WHEREAS, it is the desire of the Town of Brighton, Monroe County, New York to apply for a transfer and conveyance of the Premises for the purposes of park and recreation; and

WHEREAS, the consideration for the transfer and conveyance of the Premises as set forth in Section 34 is One Dollar (\$1.00).

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Supervisor is hereby authorized to apply to the State of New York, Office of General Services, for the transfer and conveyance of the Premises for the purposes of park and recreation pursuant to Section 34 of the Public Lands Law; and it is further

RESOLVED, that the Town Supervisor is authorized to execute all documents necessary to effectuate said use and transfer and conveyance of the Premises and that such documents shall be subject to the review thereof by the Town Attorney as to form and substance; and it is further

RESOLVED, that title shall be transferred after such environmental reviews as may be required by the State Environmental Quality Review Act have been completed.

**LEGAL DESCRIPTION
FOR
PERMANENT EASEMENT
THE STATE OF NEW YORK
(Reputed Owner)
(Tax Account # 136.18-1-1)**

Map HCT-4, Permanent Easement

Description of property which the Town of Brighton deems necessary to acquire as a Permanent Easement for trail purposes. The parcel to be acquired is shown on Map HCT-4, and is part of the parcel of land described in Liber 590, Page 361 recorded in the Monroe County Clerk's Office.

All that piece or parcel of land situate in the Town of Brighton, County of Monroe, State of New York, as shown on map HCT-4 and described as follows:

Beginning at a point along the north line of an easement to Monroe County for Highway Purposes, Map 76 Parcel 3 (Liber 11021 Page 195) at its intersection with the property line of Imogene M. Gilbert (Life Tenant), Suzanne, William, Scott & Lawrence Gilbert (reputed owners) (TA # 136.19-1-10) on the east and The State of New York (reputed owner) (TA #136.18-1-1) on the west; thence North 20°34'39" East along the easterly property line of The State of New York (reputed owner) (TA #136.18-1-1) a distance of 1558.14 feet to a point; thence through the property of The State of New York (reputed owner) (TA #136.18-1-1) the following nine (9) courses and distances: (1) North 03°24'21" West a distance of 273.52 feet to a point; thence (2) North 19°10'56" West a distance of 42.13 feet to a point; thence (3) North 43°35'49" West a distance of 42.13 feet to a point; thence (4) North 66°17'14" West a distance of 44.03 feet to a point; thence (5) North 88°51'39" West a distance of 56.57 feet to a point; thence (6) South 60°42'28" West a distance of 85.93 feet to a point; thence (7) South 86°19'10" West a distance of 179.86 feet to a point; thence (8) North 72°19'14" West a distance of 42.84 feet to a point; thence (9) North 50°57'28" West a distance of 42.35 feet to a point on the division line between the property of The State of New York (reputed owner) (TA #136.18-1-1) on the south and the property of St. Johns Home (reputed owner) (TA # 136.14-1-2)(TA #136.15-1-1.5) on the north; thence South 86°19'10" West along the last mentioned division line a distance of 38.32 feet to a point; thence through the property of The State of New York (reputed owner) (TA #136.18-1-1) the following eighteen (18) courses and distances: (1) South 50°57'28" East a distance of 75.41 feet to a point; thence (2) South 72°19'14" East a distance of 52.65 feet to a point; thence (3) North 86°19'10" East a distance of 190.67 feet to a point; thence (4) North 60°42'28" East a distance of 84.77 feet to a point; thence (5) South 88°51'39" East a distance of 44.31 feet to a point; thence (6) South 66°17'14" East a distance of 33.63 feet to a point; thence (7) South 43°35'49" East a distance of 31.29 feet to a point; thence (8) South 19°10'56" East a distance of 47.62 feet to a point; thence (9) South 03°24'21" East a distance of 201.20 feet to a point; thence (10) South 08°35'09" West a distance of 36.98 feet to a point; thence (11) South 20°34'39" West a distance of 843.32 feet to a point; thence (12) South 31°01'12" West a distance of 152.45 feet to a point; thence (13) South 20°45'13" West a distance of 151.72 feet to a point; thence (14) South 12°32'03" East a distance of 57.52 feet to a point; thence (15) South 19°53'24" West a distance of 181.45 feet to a point; thence (16) South 20°30'57" West a distance of 153.03 feet to a point; thence (17) South 30°31'49" West a distance of 30.96 feet to a point; thence (18) South 51°21'58" West a distance of 31.36 feet to a point along the north line of the previously mentioned easement to Monroe County for Highway Purposes, Map 76 Parcel 3 (Liber 11021 Page 195); thence North 86°47'40" East along the last mentioned easement line a distance of 55.00 feet to the point of beginning, being 79,634.0± sq. ft. or 1.83± acres.



MATCH LINE SHEET 3

THE STATE OF NEW YORK
(REPUTED OWNER)
L. 590 P. 361
TAX MAP NO. 136.18-1-1
PERMANENT EASEMENT
AREA = 79,634.0± SQ. FT.
OR 1.83± ACRES

TOWN OF BRIGHTON
(REPUTED OWNER)
L. 8564 P. 349
TAX MAP NO. 136.19-1-3

TOWN OF BRIGHTON
(REPUTED OWNER)
L. 8564 P. 349
TAX MAP NO. 136.19-1-4

SUZANNE, WILLIAM, SCOTT &
LAWRENCE GILBERT
(REPUTED OWNERS)
L. 9868 P. 341
TAX MAP NO. 136.19-1-5

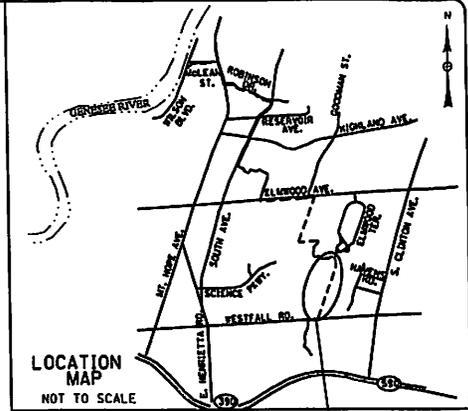
IRMA KOCSIS
(REPUTED OWNER)
L. 7037 P. 64
TAX MAP NO. 136.19-1-6

S31°01'12"W
152.45'

S20°34'39"W
843.32'

N20°34'39"E
1558.14'

MATCH LINE SHEET 1



LOCATION
MAP
NOT TO SCALE

SITE
LOCATION

HCT-4

GENERAL NOTES:

- 1) Copyright 2014 Fisher Associates, P.E., L.S., L.A., P.C. All rights reserved.
- 2) It is a violation of New York State Education Law Section 7209.2 for any person, unless acting under the direction of a licensed professional engineer or land surveyor, to alter this document in any way. If altered, the person who altered the plans shall comply with the requirements of New York State Education Law Section 7209.2.
- 3) This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain title insurance for any subsequent or future grantees.
- 4) Only copies of this map bearing the Land Surveyor's original seal in red are true and valid copies.



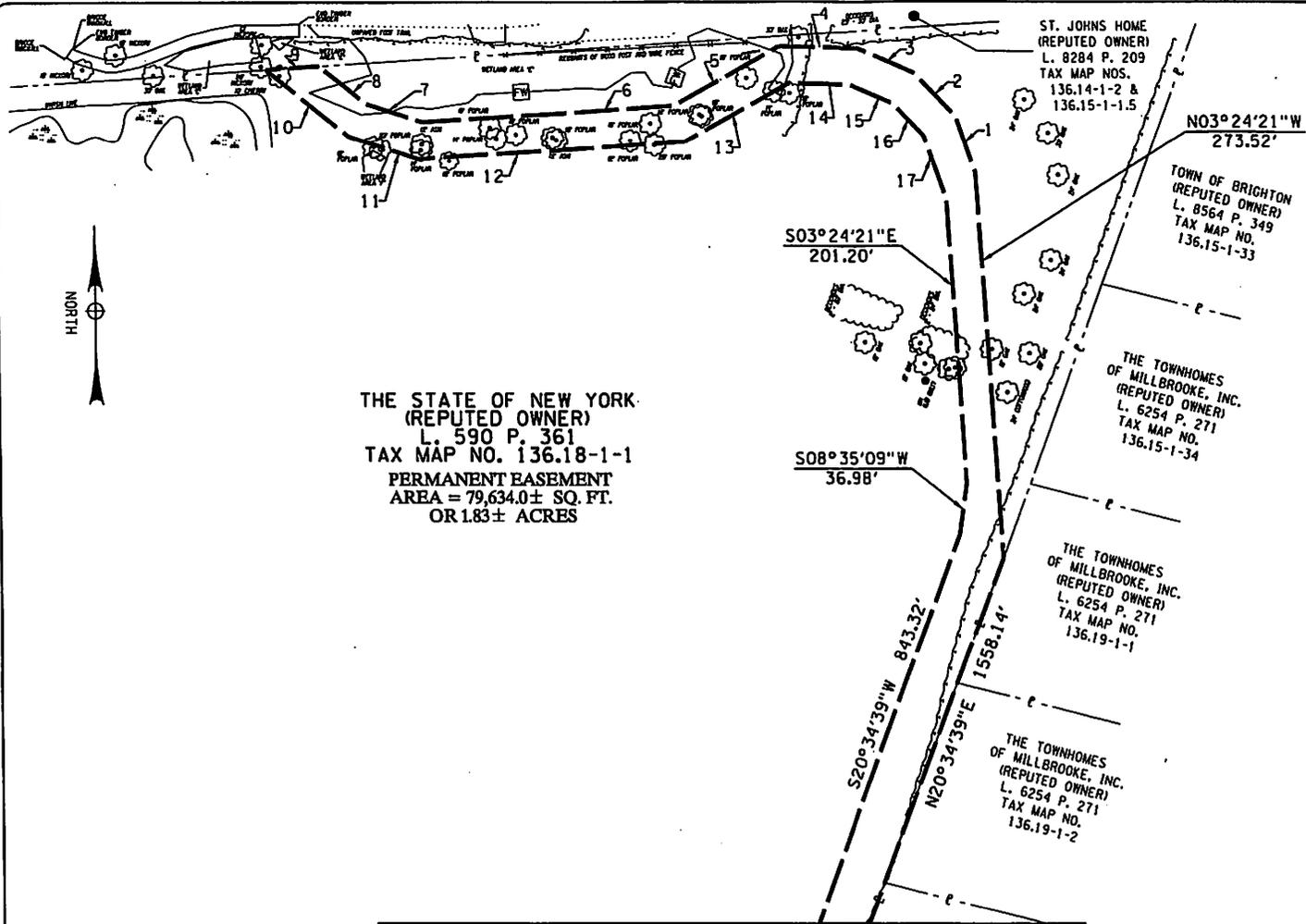
| | |
|-------------|----------------|
| DATE: | SEPTEMBER 2014 |
| DRAWN BY: | J. HEFNER |
| CHECKED BY: | M. ELTZ |
| SCALE: | 1" = 80' |
| PROJECT No. | 091001 |
| SHEET No. | 2 OF 3 |



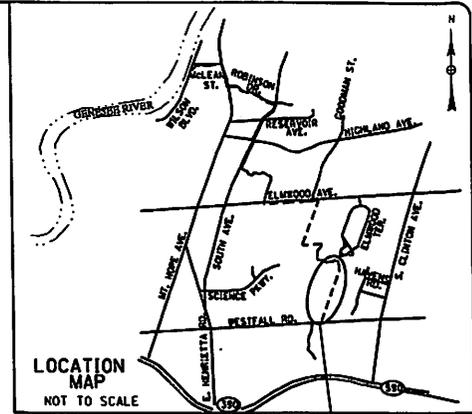
FISHER ASSOCIATES
P.E., L.S., L.A., P.C.
1700 Park Drive, Buffalo, NY 14203
Phone: 583-1111

PERMANENT EASEMENT MAP

SITUATE IN THE
TOWN OF BRIGHTON
COUNTY OF MONROE
STATE OF NEW YORK



THE STATE OF NEW YORK
 (REPUTED OWNER)
 L. 590 P. 361
 TAX MAP NO. 136.18-1-1
 PERMANENT EASEMENT
 AREA = 79,634.0± SQ. FT.
 OR 1.83± ACRES



- 1-N19°10'56"W 42.13'
- 2-N43°35'49"W 42.13'
- 3-N66°17'14"W 44.03'
- 4-N88°51'39"W 56.57'
- 5-S60°42'28"W 85.93'
- 6-S86°19'10"W 179.86'
- 7-N72°19'14"W 42.84'
- 8-N50°57'28"W 42.35'
- 9-S86°19'10"W 38.32'
- 10-S50°57'28"E 75.41'
- 11-S72°19'14"E 52.65'
- 12-N86°19'10"E 190.67'
- 13-N60°42'28"E 84.77'
- 14-S88°51'39"E 44.31'
- 15-S66°17'14"E 33.63'
- 16-S43°35'49"E 31.29'
- 17-S19°10'56"E 47.62'

MATCH LINE SHEET 2

- GENERAL NOTES:
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| | |
|-------------|----------------|
| DATE: | SEPTEMBER 2014 |
| DRAWN BY: | J. HEFNER |
| CHECKED BY: | M. ELTZ |
| SCALE: | 1" = 80' |
| PROJECT No. | 091001 |
| SHEET No. | 3 OF 3 |



PERMANENT EASEMENT MAP

SITUATE IN THE
 TOWN OF BRIGHTON
 COUNTY OF MONROE
 STATE OF NEW YORK

HCT-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 24th day of June, 2015.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

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

Councilpersons

RESOLVED, that correspondence dated June 12, 2015 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to declare a 2008 Ford Crown Victoria sedan (VIN 2FAHP71VX8X173979) as surplus to be utilized as a trade in on the purchase based on the State bid of a new 2015 Ford Explorer at a cost not to exceed \$27,710.41 for use by the Fire Marshal and to make certain budget adjustments as outlined in said correspondence, be received and filed; and be it further

RESOLVED, that the Town Board hereby declares a certain 2008 Ford Crown Victoria sedan (VIN 2FAHP71VX8X173979) as surplus to be utilized as a trade in on the purchase based on the State bid of a new 2015 Ford Explorer; and be it further

RESOLVED, that the Town Board hereby authorizes the purchase based on the State bid of a new 2015 Ford Explorer at a cost not to exceed \$27,710.41 for use by the Fire Marshal and directs that the budget adjustments be made as outlined in the above referenced correspondence.

Dated: June 24, 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

June 12, 2015

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

re: Fire Marshal Replacement Vehicle Purchase
and Declaration of Surplus Equipment

Dear Chairman Werner and Committee Members:

This year's budget has allocated funds in the amount of \$27,000.00 for the purchase of a replacement vehicle for the Fire Marshal. A variety of vehicles have been evaluated in this regard with a 2015 Ford Explorer being recommended as the best fit vehicle for the needs of the Fire Marshal. This model vehicle is available from State bid at a cost of \$27,710.41, exceeding the budgeted amount by \$710.41. In light of adding this replacement vehicle to the fleet the current 2008 Ford Crown Victoria sedan (2FAHP71VX8X173979) should be declared surplus and traded in to the dealer as part of this transaction. If this is acceptable to the Committee I request that the budget be amended to increase the revenues from sale (trade in) of the 2008 vehicle by \$710.41 and increasing the appropriations in the A.DPW 3410 account line item by the same amount.

As always, thank you for your consideration. I will be in attendance at your regularly scheduled June 16, 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: C.. Roth
S. Zaso
A. Banker
M. Hussar
K. Gordon

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 24th day of June, 2015.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

RESOLVED, that correspondence dated June 19, 2015 from Town Planner Ramsey A. Boehner regarding a recommendation that the Town Board declare itself as lead agency under the State Environmental Quality Review Act (SEQRA) with respect to the review of the Daniele Family Companies' proposal for Palazzo Plaza, be received and filed; and be it further

RESOLVED, that the Town Board hereby declares itself to be lead agency under the State Environmental Quality Review Act (SEQRA) with respect to the review of the Daniele Family Companies' proposal for Palazzo Plaza.

Dated: June 24, 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

June 19, 2015

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

Re: Application of Daniele Family Companies
Incentive Zoning, Lead Agency Designation

Honorable Supervisor and Members:

I recommend that your Honorable Body receive and file this communication.

At the May 27, 2015 Town Board meeting, the Town Board authorize the Environmental Review Liaison Officer to coordinate the review of the above referenced project and to seek lead agency status for the project pursuant to the State Environmental Quality Review Act (SEQR). All the identified involved agencies have responded to the lead agency request and have consented to the Town Board serving as lead agency under SEQR. Therefore, I further recommend that the Town Board designated itself as lead agency under SEQR.

Respectfully Submitted

Ramsey A. Boehner
Town Planner

cc: T. Keef

