

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

March 25, 2009

PRESENT:

Supervisor Sandra Frankel
Councilmember Jim Vogel
Councilmember Sheila Gaddis
Councilmember Louise Novros
Councilmember Ray Tierney

William Moehle
Attorney for the Town

Town Clerk
Susan Kramarsky

MEETING CALLED TO ORDER: 7:10

RECOGNITIONS/PRESENTATIONS:

National Kidney Month Proclamation

OPEN FORUM:

Robert Monahan
Joel Shapiro

APPROVAL OF AGENDA:

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis to approve the agenda.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

March 11, 2009

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board approve and file the Town Board Meeting Minutes for March 11, 2009.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE: Proposed installation of stop signs at Danbury Circle North and South at Bonnie Brae (see Resolution #12; see communications from Tae Smith, dated March 11, 2009, Adele Buettner, dated March 11, 2009, David Crawford, dated March 10, 2009, Elizabeth Seely, dated March 9, 2009; Drew and Rie Maywar, dated March 24, 2009; and Nancy Newlands, dated March 22, 2009).

Hearing Held Open

(Complete Transcript Under Separate Cover)

MATTER RE: Proposed code amendments for Wetlands, Cluster development #2008-2.1 through and including 2008-2.4 (see Resolution #13; Local Law; Negative Declaration, dated March 25, 2009) *LOCAL LAW file w Secretary of State.*

(Complete Transcript Under Separate Cover)

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Proposed Incentive Zoning and Rezoning for "The Reserve" continuation (see Resolution #14; letters from Ramsey A. Boehner, Executive Secretary, Planning Board, dated March 18, and June 23, 2009).

(Complete Transcript Under Separate Cover)

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis 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

Councilmember Sheila Gaddis	aye
Councilmember Louise Novros	no
Councilmember Ray Tierney	aye
Councilmember James Vogel	aye
Supervisor Sandra Frankel	aye

MOTION CARRIED

BIDS:

MATTER RE: Authorize solicitation of bids for cable equipment (see Resolution #15; letter from Douglas S. Clapp, Director of Communications, dated March 23, 2009, with attachment).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Louise E. Johnston, dated March 11, 2009, expressing delight that sidewalks will be installed along East Avenue

FROM thirteen local organizations to the Monroe County Executive, dated March 13, 2009, commenting on the draft Master Plan for parkland around Irondequoit Bay

FROM Christine Sevilla, dated March 12, 2009, commenting on bikes in County parks

FROM Edward T. Marianetti, Executive Director, Monroe County Water Authority, dated March 6, 2009, advising of the 2009 cleaning and cement mortar lining program

FROM Joseph J. Muscarella, State of New York Office of Real Property Services, dated March 12, 2009, regarding 2008 triennial aid certification

FROM Timothy E. Keef, P.E., Town Engineer, dated March 13, 2009, to town residents regarding the Red Creek Water Quality Monitoring Project

FROM Charmaine Babineau, dated March 16, 2009, and Dave and Beth Dobrzynski, dated March 21, 2009, expressing support for installation of sidewalks along East Avenue

FROM Chris Mueller, Manager, Government Affairs, dated March 13, 2009, advising that all Time Warner Cable stock is now publicly traded

FROM Larry Staub, Director of Parks, Monroe County, dated March 17, 2009 attaching Genesee Regional Off-Road Cyclist's "Position on Off-Road Cycling in Monroe County Parks"

FROM Cassy Petsos, dated March 17, 2009, attaching letter from Monroe County People for Parks, Inc., commenting on the Ellison Park Master Plan Update

FROM Jamie and Alan Roberts, dated March 18, 2009, commenting on installation of new sidewalks along East Avenue

FROM John Kellas, dated March 14, 2009, to Commissioner Low, commenting on the installation of sidewalks along East Avenue

FROM Edward T. Marianetti, Executive Director, Monroe County Water Authority, dated March 17, 2009, regarding the Clover Street water main replacement

FROM Chris L. Mueller, Manager, Government Affairs, Time Warner Cable, dated March 17, 2009, enclosing information provided in accordance with Section 11.8 of the Franchise Agreement with the Town

Motion by Councilmember James Vogel Seconded by Councilmember Sheila Gaddis to receive and file the aforementioned communications.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services Councilmember Louise Novros reported on meeting of March 19, 2009.

Next meeting April 16, 2009.

Finance and Administrative Services – no report given for last meeting held March 18, 2009. Next meeting April 1, 2009

Public Safety Services. Councilmember Ray Tierney announced special meeting to be held on March 31, 2009.

Public Works Services - Councilmember James Vogel reported on meeting of March 24, 2009.

Next meeting April 6, 2009

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Supervisor read and approve payment of the claims as set forth in Exhibit No. 4 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Approve settlement of certiorari for parcels at 70, 80, 90, 100 and 110 Brandon Woods (see Resolution #1; memorandum from Elaine Ainsworth, Assessor, dated March 12, 2009, with attachment).

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 5 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute renewal agreement with Geese Control of New York for April 1, 2009 through December 31, 2009 at \$625. per month, total not exceeding \$5,000. (see Resolution #2; letter from Thomas M. Voelkl, Chief of Police, dated March 12, 2009, with attachment).

Motion by Councilmember Ray Tierney 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: Authorize Supervisor to execute agreement with the City of Rochester to share Justice Assistance Grant Program Award funding for purchase of police equipment (see Resolution #17; letter from Thomas M. Voelkl, Chief of Police, dated March 20, 2009, with attachment).

Motion by Councilmember Ray Tierney 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: Authorize solicitation of proposal from Clark, Patterson, Lee for final design for Town Hall and Operations Center Roof Replacement Project (see Resolution #4; letters from Thomas A. Low, Commissioner 2009; Paul Tankel, AIA, LEED AP, Principal, Clark Patterson Lee, dated March 23, 2009, with attachment).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 8 attached.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute contract with Stantec Consulting Services, not to exceed \$4,500., relating to removal of underground fuel storage tank for back up generator (see Resolution #5; letters from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated March 11, 2009, and Michael

p. Storonsky, Senior Associate, Stantec Consulting Services, Inc., dated March 3, 2009).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute contract with GAR Associates, Inc. for appraisal of property SBL #136.16-2-29.2, not to exceed \$8,000. (see Resolution #6; letters from Thomas A. Low, Commissioner of Public Works/ Superintendent of Highways, dated March 10, 2009 and Ronald J. Rubino, MAI, Vice President, GAR Associates, Inc., dated March 10, 2009).

Motion by Councilmember Sheila Gaddis 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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute contract with Harris Beach, PLLC for legal bond counsel services, effective February 1, 2009 at rate of \$.75 per thousand short-term and \$1.00 per thousand long-term obligations (see Resolution #7; memorandum from Paula A. Parker, Director of Finance, dated March 18, 2009; Engagement letter from Patrick M. Malgieri, Harris Beach, PLLC, dated March 4, 2009).

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize close out three completed capital projects, Fuel Depot Project, Elmwood Avenue Sewer Project and North Landing Improvements Project and transfer remaining funds (see Resolution #8; memorandum from Paula A. Parker, Director of Finance, dated March 18, 2009).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Accept \$500 grant from Air & Waste Management Association (Genesee Finger Lakes Chapter) and authorize \$3,500. budget appropriation for 2009 Clean Sweep event (see Resolution #9; memorandum from Paula A. Parker, Director of Finance, and Louise Novros, Councilmember dated March 18, 2009, with attachment).

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set April 22, 2009 public hearing for proposed speed limit reduction on Ashley Drive, Woodmont Drive and Fairfield Drive (see Resolution #11; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated March 11, 2009).

Motion by Councilmember Ray Tierney 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. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Amend Forestry Plan for tree planting (see Resolution #10; see memorandum from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated March 18, 2009; letter Paul R. White, Acting Secretary, Brighton Tree Council, dated March 11, 2009; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated February 16, 2009).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute Appendix X-No Cost Time Extensions-to extend the term of the Greenway Water/ Canalway Trail Improvements Project with New York State Canal Corporation until June 30, 2010 (see Resolution #19; letter from Carmella R. Mantello, Director, New York State Canal Corporation, dated February 20, 2009)

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 16 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Designation of *Democrat and Chronicle* as alternate official newspaper of record, effective March 25, 2009 through March 31, 2009 (see Resolution #18; memorandum from Susan Kramarsky, Town Clerk, dated March 25, 2009).

Motion by Councilmember Sheila Gaddis 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. 17 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Accept donation of antique horse trough from Wegmans Food Markets, Inc. (see Resolution #16; letter from Douglas S. Clapp, Director of Communications, dated March 23, 2009, with attachment).

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 18 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Revenue and Expense Reports for period ended February 28, 2009

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board receive and file the Revenue and Expense Reports for the period ended February 28, 2009.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney that the Town Board go into Executive Session at 10:10 PM to discuss the French Road litigation, potential litigation concerning the Antinore claim and the appointment of particular people.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Ray Tierney seconded by Councilmember Sheila Gaddis that the Town Board come out of Executive session at 10:40 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Appointment of William Baird and Christopher Guider to the Architectural Review Board.

Motion by Councilmember James Vogel Seconded by Councilmember Sheila Gaddis to appoint William Baird and Christopher Guider to the Architectural Review Board.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED:

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the town Board adjourn at 10:45 PM.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Susan Kramarsky, 79 Monteroy Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceedings of the Town of Brighton County of Monroe, State of New York meeting held on the 25th of March 2009 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

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 25th day of March, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOIUSE NOVROS
SHEILA A. GADDIS

Councilpersons

WHEREAS, the Town Board duly scheduled a Public Hearing to be held on the 25th day of March, 2009, at 7:30 P.M., prevailing time, to consider the adoption of a proposed Local Law of 2009 entitled "Wetlands, Cluster Development Local Law" for the Town of Brighton, Monroe County, New York and the environmental impacts thereof; and

WHEREAS, such public hearing was duly called and held and all persons having an interest in the matter having had an opportunity to be heard; and

WHEREAS, the Town Board deems it necessary and advisable to adopt the proposed Local Law.

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____,

BE IT RESOLVED, that the Negative Declaration under the State Environmental Quality Review Act, with respect to the proposed Local Law, is hereby approved and adopted; and

BE IT FURTHER RESOLVED, that based on the testimony and written materials received at the public hearing, the Town Board of the Town of Brighton, pursuant to the provisions of Article 3 of the Municipal Home Rule Law of the State of New York, hereby enacts, ordains and adopts the Local Law of 2009 entitled Wetlands, Cluster Development Local Law, in the form attached hereto as Exhibit A, for the Town of Brighton, Monroe County, New York.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor

James R. Vogel, Councilman

Raymond J. Tierney III, Councilman

Louise Novros, Councilperson

Sheila A. Gaddis, Councilperson

Members of the Town Board of
Brighton, New York, Monroe County

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 25th day of March, 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

WHEREAS, Anthony J. Costello & Son (Joseph) Development LLC (“Costello”) currently owns approximately 63 acres of land in the Town of Brighton which land 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, on June 18, 2007, Costello submitted an Incentive Zoning and Rezoning application (the “Application”) for the Property, seeking to rezone the Property from Residential B(RLB) to Waterfront Development District (WD), with proposed incentives to modify bulk requirements and other Town of Brighton Code requirements, in order to create a planned residential community on the Property (the “Project”); and

WHEREAS, the Town of Brighton, in its Comprehensive Plan 2000, recommended three distinct uses for the Property; low density residential to the north, parkland to the east and a waterfront district to the south along the Erie Canal; and

WHEREAS, Costello submitted its full Environmental Assessment Form, dated June 14, 2007 (“EAF”) for the Project, and on October 24, 2007, upon its review of the EAF, the Town Board of the Town of Brighton, acting as Lead Agency for the review of the Project, determined that the development of the Project is a Type I Action, and issued a Positive Declaration under the State Environmental Quality Review Act (“SEQRA”), which necessitated the preparation by Costello of an Environmental Impact Statement (“EIS”), and the completion of the attendant review process; and

WHEREAS, on November 14, 2007, the Town Board held a public hearing on the Scope of the EIS, and received written comments thereafter until 5:00 p.m. on November 26, 2007, and thereafter, a Final Scope of the EIS was approved by the Town Board on December 12, 2007; and

WHEREAS, on May 12, 2008, a Draft Environmental Impact Statement (“DEIS”) was formally submitted to the Town Board for Town and public comment and review, and was thereafter circulated to the public and applicable agencies; and

WHEREAS, a public hearing was held to consider the DEIS by the Town Board on June 11, 2008, and following the hearing, written comments were accepted through 5:00 p.m. on June 23, 2008; and

WHEREAS, Costello submitted a Final Environmental Impact Statement (“FEIS”) to the Town on January 26, 2009, which included various amendments to the Application and the Project, based on comments received from the public and Town staff during the environmental review process, and reduced the amenities offered to the Town through the incentive zoning process; and

WHEREAS, the Town Board conditionally accepted the FEIS at its regular meeting on January 28, 2009, subject to the receipt of a modification to the FEIS from Costello, which modification was received by the Town on January 29, 2008, and noting that the FEIS did not adequately address the affordable housing goals of the Town’s Comprehensive Plan, directed the Town’s Environmental Liaison to give notice of such action as required by SEQRA, and held open the time for written comments to the FEIS through 5:00 p.m. on February 17, 2008; and

WHEREAS, the Town Board reopened the public hearing to further consider the Project and the Application, as amended, and the environmental impact thereof, which reopened public hearing was duly held on February 25, 2009, at which time all persons having an interest in such matter were given an opportunity to be heard therein; and

WHEREAS, after carefully studying and investigating potential adverse impacts, as well as identifying beneficial impacts through the SEQRA process, the Town Board determined that the Project is an appropriate use of the Property and that mitigation measures have been identified to minimize any potential adverse environmental impacts to the maximum extent practicable; and

WHEREAS, at its February 25, 2009 meeting, the Town Board approved the Findings Statement under SEQRA with respect to the Project, a copy of which Findings Statement is attached hereto as Schedule B, and held open the public hearing on the Application, as amended, which public hearing was continued at regular meetings of the Town Board on March 11, 2009 and March 25, 2009; and

WHEREAS, the Planning Board of the Town has reviewed the Project and the Application and has submitted its recommendations to the Town Board, and the Town Board has reviewed and considered such recommendations.

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

RESOLVED, that correspondence dated March 18, 2009, from Ramsey A. Boehner, Executive Secretary to the Town of Brighton Planning Board, containing the Planning Board’s advisory recommendations with respect to the Project, be received and filed; and be it further

RESOLVED, that the Town Board hereby makes the following additional findings with respect to the Project:

1. The Project, together with the proposed amenities to be granted to the Town by Costello in connection therewith, will assist the Town to implement the specific physical, cultural and social policies of the Comprehensive Plan of the Town, including the following:

a. Provide support for the development and maintenance of affordable housing units within the Town, through the receipt of a cash amenity earmarked for affordable housing support.

b. The preservation of a portion of the Property's greenspace, including wetlands, as undisturbed natural areas.

c. The receipt of a cash amenity from Costello which will be deposited in the Parkland Development Trust Fund, for use in connection with the acquisition and/or development of open space or parkland in the Town, as a mitigation of the proposed Project.

d. The development of a variety of types of new residential housing units in the Town.

e. The enhancement of public access to the Erie Canal.

f. The enhancement of trail connections and access to such trails within the Town.

g. The improvement of highway infrastructure in the Town.

2. The Project will result in a land use that is compatible with the Comprehensive Plan and with land use patterns and intensities of use of other developments in the area.

3. The Project will establish a zoning classification consistent with existing zoning classifications of other parcels in the area

4. The Application, as amended, will provide sufficient public benefit to provide the requested incentives.

AND BE IT 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, that the Application, as amended, be and it is hereby approved to the extent set forth in Schedules D-1 and D-2, subject to the conditions set forth in Schedule C-1, which conditions shall be fully satisfied by the Developer prior to the amendment of the Zoning Map of the Town of Brighton for the Property; and the conditions set forth in Schedule C-2, which conditions shall be fully satisfied by the Developer at the times set forth therein for each condition included in Schedule C-2; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver the documents and agreements set forth in Schedule C-2; and be it further

RESOLVED, that subject to the conditions set forth in Schedule C-1 and C-2, this Resolution shall take effect upon due publication and posting thereof as required by law.

UPON ROLL CALL VOTE, the vote was as follows

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

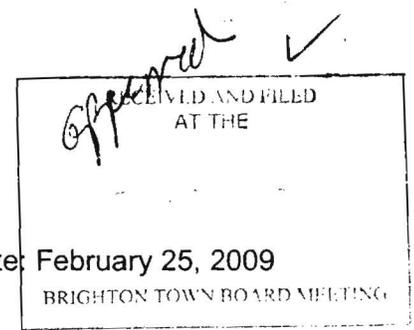
The resolution was thereupon declared adopted

Dated: March 25, 2009

DRAFT2/25/09
SCHEDULE B
State Environmental Quality Review
FINDINGS STATEMENT

Date: February 25, 2009

BRIGHTON TOWN BOARD MEETING



Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6NYCRR 617, the Town of Brighton Town Board, acting as Lead Agency, makes the following findings.

Name of Action: *The Reserve* at Brighton

Description of Action: The proposed Action is the Incentive Zoning, Rezoning, Subdivision, and Site Planning for 327 units of planned mixed-use residential development intended for construction beginning in late summer 2009. The existing zoning is Residential (RL-B), and the applicant requests rezoning to Waterfront Development District (WD) with incentives to modify bulk requirements. An EPOD permit is also required for this project since the canal trail improvements and minor grading are planned within 100 feet of the top of the bank of the canal.

Location: The project is located on a 63-acre parcel accessed from South Clinton Avenue in the southern portion of Brighton. It is bound on the north by Interstate 590 (I-590); on the west by South Clinton Avenue and a privately held parcel owned by Entercom Rochester; on the south by the Erie Canal; and on the east by the Town of Brighton Meridian Centre Park.

Agency Jurisdiction: The Town of Brighton Town Board is acting as Lead Agency for the coordinated environmental review of this Type I action. The construction of the proposed project requires amendment to the Town's zoning ordinance and map, as well as incentive zoning which the Town Board must approve. Several other regulatory approvals are necessary from the Brighton Town Board and other agencies as specified in the FEIS.

Date original Draft EIS Filed: May 15, 2008

Date original Final EIS Filed: February 10, 2009

Facts and Conclusions Relied Upon to Support Decision:

I. The Proposed Action

The Reserve calls for the development of the site as a planned residential development consisting of 68 single family detached residences, 91 town homes and 168 loft condominiums for a total of 327 dwelling units on 63 acres. The development also includes a clubhouse with a pool, tennis courts, a putting green, and a gazebo. A Home Owner's Association (HOA) will manage the grounds and buildings in the new community. Proposed services include trash collection, plowing of parking lots and private streets, grounds and building exterior maintenance, and maintenance of all landscaping within proposed public rights of way and HOA property.

The existing zoning is Residential (RL-B). The applicant is requesting rezoning, under Town Incentive Zoning, to Waterfront Development District (WD) with proposed incentives to modify bulk requirements and other Town of Brighton Code requirements. An EPOD permit is required for this project since the canal trail improvements and minor grading are planned within 100 feet

of the top of the bank of the canal. The canal trail improvements include construction of small gathering areas with benches, installation of dark-sky compliant lighting, interpretive signage, non-motorized boat put-in(s) and emergency access improvements. The project proposes land acquisition from New York State through abandonment of rights-of-ways to erect buildings along the canal frontage. A motorized boat launch is planned for the south side of the canal between South Clinton Avenue and the I-390 northbound embankment. The project also includes replacement of the existing canal access parking lot on the north side of the canal located off South Clinton Avenue along with improvements for emergency access through the parking lot and along the canal trail into the project site.

II. Environmental Review Process

A chronology of the original application, and the environmental review of it, is as follows:

October 24, 2007; upon review of the Full Environmental Assessment Form (Full EAF) prepared by the Project Sponsor, the Brighton Town Board determined that development of *The Reserve*, which is a planned residential community on South Clinton Avenue in the Town of Brighton, proposed by Anthony J. Costello & Son (Joseph) Development, LLC, is a Type I Action. The Town issued a Positive Declaration resulting in the need to prepare an Environmental Impact Statement (EIS).

November 14, 2007; A Notice of Public Hearing was issued for Scoping of the EIS necessary for this project, and the Public Scoping Hearing was held on November 14, 2007 to obtain input regarding topics for evaluation in the EIS pursuant to the State Environmental Quality Review Act (SEQRA).

November 26, 2007; written comments from the public regarding the EIS Scope were received until 5:00 PM on November 26, 2007.

December 12, 2007; As a result of the Public Scoping Hearing, public comments, and input from the Town Board, Town Planning Board, and the Conservation Board, the Scope of the EIS was refined and finalized at the December 12, 2007 meeting of the Town Board.

The May 12, 2008 Draft Environmental Impact Statement (DEIS) was approved and circulated to the public and applicable agencies.

A transcript of the Public Hearing held on June 11, 2008 for comment on the DEIS is in FEIS Appendix A. Written comments about the proposed project were received from the public, interested organizations, local, County and State agencies until the end of business on June 23, 2008.

III. Project Environmental Impacts

A. Geology, Soils and Topography

Description of Impacts:

The proposed development of *The Reserve* at Brighton will involve the stripping and stockpiling of topsoil within the development area. There will be grade change on the site and no anticipated impact to bedrock geology.

Mitigation Measures:

- 1) Erosion and sediment control measures will be implemented in accordance with the NYS Guidelines for Urban Erosion and Sediment Control (USDA SCS) and the NYS Department of Environmental Conservation SPEDES Phase II requirements.
- 2) Crushed stone construction entrance and a truck washing station will be utilized for the project. Existing streets will be power swept on a regular basis and as necessary to meet unusual conditions.
- 3) The amount of topsoil to be removed will be subject to review and approval by the Town Planning Board as part of Site Plan review. During Site Plan approval process, topsoil stockpiles will be identified. In addition, a temporary and revocable permit must be obtained from the Town of Brighton Zoning Board of Appeals for screening and selling of topsoil.
- 4) Dust will be monitored daily and suppressed on an as needed basis. Noise generating activities will be conducted in compliance with Town of Brighton noise ordinance.

Conclusion:

The mitigation measures proposed adequately address the identified impacts to geology, soils and topography.

B. Stormwater

Description of Impacts:

The placement of impervious surfaces within the developable portion of the site will result in an increase in the rate and volume of stormwater runoff and an increase in associated stormwater pollutant loading. The proposed stormwater ponds will discharge from the project into the town park.

Mitigation Measures:

- 1) A stormwater management plan has been developed in accordance with the NYSDEC Stormwater Management Design Manual. It provides for four (4) stormwater management ponds with outlet control structures. The stormwater ponds will include permanent wet-pool areas consisting of both shallow water 0" – 18" deep and deep water 6' – 8' deep. Appropriate plantings are proposed on the windward sides of the basins to reduce erosion and filter stormwater runoff. Plantings will also provide a habitat for amphibians.
- 2) The project will comply with Irondequoit Creek Watershed Collaborative (ICWC) policies and practices and the Town of Brighton Comprehensive Development Regulations for Stormwater Management.
- 3) The following specific mitigation measures are proposed:
 - a. The proposed ponds are approximately 28 to 97% larger than required by current local, state and federal standards. The additional surface area

provided by the oversize stormwater mitigation facilities will provide additional evapotranspiration to occur and result in a reduction of stormwater runoff volume.

- b. The proposed stormwater mitigation facilities have been designed to reduce the flow of stormwater leaving the site from 28 to 97% below pre-development rates.
- c. Backyard downspouts are proposed to discharge to splash blocks to allow stormwater to travel through grass areas which slow the rate of runoff and provide additional time to allow infiltration. Thus, also reducing the volume of stormwater leaving the site.
- d. Pond landscaping is to be provided in accordance with the NYSDEC Stormwater Management Design Manual. Species requiring large volumes of water, such as Willow Trees, which can consume around 300 gallons per day per mature tree, are included in the landscape plans.
- e. Grassed channels, rip-rap outlet protection, level spreaders and other devices approved by the regulatory agencies are to be provided for the protection of downstream properties from erosion and sedimentation. These items are to be selected and detailed to mimic the existing flow patterns (i.e. shallow concentrated and channel flows) exiting the site during the final design phase.
- f. As part of the local and state requirements, a plan will be prepared and implemented to address maintenance and operation procedures for dealing with items such as potential pond backups, erosion and sediment, structural deterioration and landscaping.
- g. Improvements will be made to raise the trail profile in the Park, down stream of the stormwater pond located in the southeast corner of the project.
- h. A letter of credit shall be provided to the Town to cover the cost of construction of the proposed stormwater pond, to insure that it conforms to the approved plans, functions as presented in the FEIS and does not impact town park land.

Conclusions:

- 1) With implementation of the stormwater management plan, no increase will occur in the rate of stormwater flow from the site for storm events up to those with a 100-year return period.
- 2) Even with implementation of the stormwater management plan, some increase in storm water pollutant loading may occur.
- 3) Stormwater management plans and facilities will be subject to further review and approval by the Town Engineer as part of Site Plan review for the project.
- 4) The proposed development will have no effect on existing wetlands or plant communities.

- 5) The mitigation measures proposed adequately address the identified impacts to stormwater.

C. Terrestrial and Wetlands

Description of Impacts:

The proposed project will develop approximately 63 acres of land, which are primarily expansive grasslands and old-field communities. This area would be converted to buildings, lawn and landscaped areas, parking areas and roadways. The impacts associated with the development will cause displacement of the wildlife currently utilizing these areas. This development is located near potential habitats for the Western Chorus Frog. The project will impact approximately .71 acres of wetland.

Mitigation Measures:

- 1) As mitigation for the immediate loss of grassland, the project design proposes maintaining open spaces around the perimeter of the site, adjacent to remaining grasslands at the radio tower site and in the Town Park. Also, all four stormwater facilities have large portions designed as maintainable meadow and are located at the fringes of the project where they will connect to remaining grasslands and function as extensions of the grassland bird habitat.
- 2) In consideration of Amphibians, it was found through local sources that Western Chorus Frog habitats are located near the site, one just east of the site near the Jewish Home and another anticipated to be just west of the site in the wetland near the radio towers. As mitigation for potential intrusion of development into frog habitat, it is proposed that characteristics of vernal pools will be incorporated into the stormwater facilities designed for the project. Vernal pools are those natural water features that fill up with several inches of water in the spring when the frogs procreate, then dry up in the summer once the frogs move to dry land. Areas at the fringe of the northwest stormwater facility are appropriate for this treatment, which will be incorporated into the site plans. The vernal pools will be constructed in accordance with "A Guide to Creating Vernal Pools" by Thomas Biebighauser and published by the US Forest Service at locations as designated by the Planning Board during site plan review.
- 3) With respect to potential lighting impacts on wildlife adjacent to the site and along the canal corridor where improvements are planned as an amenity, dark sky standards are being used in the design, which focus light downward and contain lighting spillage onto adjacent property.
- 4) The applicant will be required to obtain an Environmental Protection Overlay District (EPOD) permit from the Town of Brighton for disturbance to the three (3) identified districts.
- 5) Conservation easements will be created to protect the remaining wetland located on the project site.

Conclusion:

- 1) The mitigation measures proposed adequately address the identified impacts to terrestrial and wetlands.
- 2) The US Fish and Wildlife Service and NYS Environmental Conservation have documented that no endangered or threatened species are known to exist on this site.

D. Transportation

Description of Impacts

The proposed development will add additional traffic volumes to the adjacent highway network. The project will generate 139 trips exiting the site during the weekday and 35 trips entering the site during the morning peak hour. The project will generate 76 trips in the afternoon peak hour exiting the site during the weekday and 141 trips in the afternoon peak hour entering the site.

Levels of service (LOS) at the project entrance and the adjacent signalized intersections remain unchanged when considering traffic from purely *The Reserve*. Levels of service at Woodsmeadow Drive remain unchanged. However, the LOS at Senator Keating Boulevard drops from B to C with construction of *The Reserve*.

The proposed Action would have a slight impact on the Westfall Road and the Brighton-Henrietta Town Line Road intersections with South Clinton Avenue. However, updated calculations of projected LOS indicate that construction of *The Reserve* will not deteriorate LOS for the two adjacent signalized intersections.

Mitigation Measures:

- 1) Re-stripe the southbound travel lanes on South Clinton Avenue to include one through lane and one exclusive left turn lane between Senator Keating Boulevard and the new driveway for *The Reserve*.
- 2) Re-stripe the southbound lanes to the south of *The Reserve* to include one through lane and one acceleration lane for motorists exiting *The Reserve*.
- 3) Conduits, pull boxes and other provisions will be installed by the Project Sponsor as required by Monroe County Department of Transportation at the time of project development.
- 4) Re-stripe South Clinton Avenue to provide one lane in each direction with turn lanes and a second left turn lane for southbound traffic at Brighton Henrietta Town Line Rd will installed by the Project Sponsor as required by Monroe County Department of Transportation.
- 5) Construct a northbound right turn lane on South Clinton Avenue for *The Reserve*.
- 6) Provide two exit lanes from *The Reserve* driveway.

Conclusions:

- 1) Results from the updated *GEIS for Senator Keating Boulevard* in early 2008 may reflect changes in levels of service posed by area-wide development. However, those changes are not specifically related to only *The Reserve*. Thus, mitigation for area-wide traffic impacts is not included in *The Reserve* project.
- 2) The applicant is required to obtain all necessary permits from the MCDOT and abide by the conditions of those permits.
- 3) The mitigation measures proposed adequately address the identified impacts to transportation.

E. Land Use and Zoning

Description of Impacts:

The development of *The Reserve* will convert a 63-acre property that is presently grassland into a planned residential development of up to 327 dwelling units including a clubhouse with a pool, tennis courts, a putting green, and a gazebo.

The proposed development is currently zoned as Residential (RL-B). The Comprehensive Plan 2000 of the Town of Brighton recommends waterfront development in the southern portion of the project area and low density development in the remainder of the site. Based on the recommend land uses the site could yield up to +/- 88 residential dwelling units. The proposed development exceeds the recommended residential density by +/- 239 dwelling units.

The Comprehensive Plan recommends that rezoning/incentive zoning proposals should include a percentage set-aside for affordable housing units. The plan also encourages planned residential development that allows for higher density in order to facilitate affordable housing. There is no affordable housing component provided within this development.

The applicant is requesting rezoning, under Town Incentive Zoning, to Waterfront Development District (WD) with proposed incentives to modify bulk requirements and other Town of Brighton Code requirements. The applicant has proposed to the Town of Brighton certain Incentives in consideration of proposed Amenities. These Incentives apply to the following topics: Percentage of residential use allowed in Waterfront Development District (WD) zoning; accessory uses; the width of the proposed R-O-W for the main entrance road; dimensional requirements and lot configurations associated with WD bulk standards, including building heights; the maximum length of proposed cul-de-sacs; fences and signage; site plan review process; and the width of the proposed secondary emergency access route on the Erie Canal Trail.

Mitigation Measures:

- 1) The Applicant proposes the following amenities to the Town of Brighton: A public boat launch on the Erie Canal; Canal trail improvements in accordance with the Town's Erie Canal Grant program; improved access to Meridian Centre Park; a contribution for construction of a new picnic pavilion in Meridian Centre Park; an expanded canal trail access parking lot off of South Clinton Avenue; initial funding of a home improvement program for senior citizens and re-stripping of South Clinton Avenue.
- 2) To assist the Town in maintaining its commitment to affordable housing and to address a need in the Town, the developer proposes a Home Improvement Program for Senior Citizen Homeowners. The Project Sponsor will contribute "seed" funds in the amount of \$5,000 per year over a five year period to entice the Bishop Sheen Ecumenical Housing Foundation (BSEHF) to operate a home repair for seniors program in the Town of Brighton.
- 3) To mitigate the impacts to the town park and Canal from the increase in residential density, the Planning Board will be allowed to modify, subject to the restrictions described in Mitigation Measure 6 to Section H. Visual Impacts, the proposed development layout, establish increased building setbacks, buffers and conservation easements areas as part of the site plan review process to insure the appropriate development of up to 327 residential dwelling units.

Conclusions:

- 1) The proposed development exceeds the recommended residential density by 239 dwelling units. The plan as proposed has a density of 5.2 dwelling units per acre.
- 2) The impacts from the proposed increase in density will be appropriately mitigated during the required site plan review process by the Planning Board and will not be detrimental to the Town of Brighton.
- 3) The project proposed waterfront land use is in substantial compliance with the Town of Brighton's 2000 Comprehensive Plan.
- 4) The development is consistent with the intent of the Waterfront Development District in that it allows public access through the development to the canal and provides appropriate water-oriented development and recreational uses along the canal.
- 5) The proposed home improvement component does not meet the Comprehensive Plan recommendation for affordable housing set-aside. The proposed funds would not add new affordable housing units, nor are funds sufficient to provide home improvements to an adequate number of homes.
- 6) The mitigation measures proposed do not adequately address the identified impacts to land use and zoning.

F. Community Services

Description of Impacts:

The proposed project will create added demand on community services. *The Reserve* will also create a demand on the existing sewer and water facilities. Private grinder pumps are proposed for some of the proposed dwelling units.

The emergency services that are necessary for this project may create an increase in calls to the police department, Brighton Fire Department and Brighton Volunteer Ambulance.

It was forecasted that *The Reserve* project would generate approximately 119 school-aged children. It is also estimated that the proposed project will result in an increase in demand for active recreation.

The project proposes an exception to the Town of Brighton's Minimum Specifications for Dedication for road dedication to allow a portion of the right-of-way to be less than 60 feet wide, which could reduce the functional ability of the roadway.

The proposed amenities will add operation and maintenance cost to the Town. Of particular concern is the ongoing cost associated with the boat launch along with safe vehicle access to and from Clinton Avenue South.

Mitigation Measures:

- 1) It is anticipated that the demand will not exceed the capacity of the existing water and sanitary sewer facilities. The private grinder pumps will be maintained by either the HOA or homeowner. All sanitary mains and laterals will have a minimum of 4 feet of ground cover and will be designed to all town standards.
- 2) A summary of the infrastructure improvements and schedule of private and public improvements for the project is identified in the FEIS. All utility plans will be reviewed and approved by the Town of Brighton Planning Board, Town Engineer and all other Agencies having authority over project approvals.
- 3) The Project Sponsor proposes the following: Improved connection from South Clinton Avenue to the canal trail, access to Meridian Centre Park, canal trail improvements, non-motorized boat put-in(s) and emergency access improvements, a motorized boat launch, replacement of the existing canal access parking lot on the north side of the canal located off South Clinton Avenue along with improvements for emergency access through the parking lot and along the canal trail into the project site.
- 4) The Town of Brighton Public Safety Committee will review and recommend all emergency access improvements.
- 5) The Project Sponsor will pay all required fees to the Town of Brighton Parkland trust Account T-37 (\$700 per dwelling unit).
- 6) The Project Sponsor will petition to form special assessment districts (e.g. lighting, park, water, sanitary, and sidewalk) that would mitigate the estimated additional costs of municipal services.
- 7) The project will meet all standard and requirements of the Town of Brighton's Minimum Specifications for Dedication except to allow a portion of the right-of-way to be less than 60 feet wide.
- 8) The estimated income from property taxes on the Reserve, being fully taxable, will be \$2,066,630 annually for the Brighton Central School District. The Reserve will provide over \$443,000 annually in new tax revenue to the Town.

Conclusions:

- 1) The increased demand for community services is commensurate to the increased revenues, assuming the project is fully taxable and that the special district charges and mortgage taxes are added.
- 2) The mitigation measures proposed adequately address the identified impacts to community services.

G. Cultural Resources

Description of Impacts:

The construction of this project will cause disturbance to approximately 63 acres of land.

A review was conducted by the Office of Parks and Recreation and Historic Preservation (OPRHP). This report indicates that there are "no properties listed in the State or National Register of Historic Places within or adjacent to the project site".

A Phase 1B Archeological survey has been completed documenting historical aerial photography, soil borings and other pertinent data required by OPRHP.

Conclusions:

- 1) SHPO reviewed the project and issued its opinion that the work will have no adverse effects on cultural resources.

H. Visual Impacts

Description of Impacts:

The development of *The Reserve* will change the visual appearance of the site. There will be a loss of vegetation and placement of structures. The loft building proposed along the canal will be up to 74' in height (5 floors of living space over a parking garage, that will be underground on three sides with enclosed street level auto entrances) and setback a minimum of 136' from the canal trail. The residential structures proposed along the park boundary will a minimum setback of 40 feet and a maximum height of 40'. The proposed grade near the park will up to 12' above the existing grade. The development will also include signage that will change the visual appearance of the site.

Mitigation Measures:

- 1) The Project Sponsor proposes the planting of evergreen trees along portions of the trail in Meridian Centre Park. Landscape buffers are proposed in the DEIS along with alternative plantings along the trail. Buffers are proposed on private property as well as an alternative location along the trail in the park.
- 2) As part of site plan approval process for this project, the architectural materials will be specified. Masonry, wood and other natural materials should be utilized. The style of the architecture and lights should be addressed to the satisfaction of

the Architectural Review Board and the Planning Board during the site plan review process for this project.

- 3) The mitigation measures necessary to screen the visual impact of utilities, meters, mechanicals, trash cans and dumpsters will be identified and discussed. These impacts should be addressed to the satisfaction of the Planning Board during the site plan review process for the project.
- 4) The Planning Board, during the site plan approval process will refine the overall look of the project to be in keeping with the Town of Brighton design standards.
- 5) The proposed loft buildings will be staggered along the canal to reduce the visual impact from the canal. The height of the loft buildings has been reduced to maximum height of 74 feet (5 floors of living space over a parking garage).
- 6) Except for the location, height or changes in setback beyond a small range of the proposed loft buildings, the Planning Board will be allowed to modify the proposed development layout, establish increased building setbacks, buffers and conservation easements areas as part of the site plan review to further mitigate the visual impacts to the town park.
- 7) Signage will be reviewed by the Architectural Review Board and reviewed and approved by the Planning Board.

Conclusions:

- 1) The mitigation measures proposed adequately address the identified impacts to visual impacts.
- 2) The impact of this proposed project is that the site currently is viewed as vacant woodland and grassland and the developments of *The Reserve* would formalize the aesthetics of the site. The element used to buffer the visual impacts is landscaping. *The Reserve* project will cause a change to the visual characteristics of the area.

I. Construction Impacts

Description of Impacts:

Construction related impacts will be temporary. During the construction period, impacts to the adjacent neighborhood are expected to include noise and dust generation, limited impairment to traffic flow associated with construction vehicle traffic, utility extensions and curb cuts, and general visual changes to the site setting.

Mitigation Measures:

- 1) Dust will be monitored daily and suppressed on an as-needed basis with a water truck equipped with sprinklers.
- 2) Erosion and sediment control measures will be established and implemented prior to site clearing in accordance with the NYS Guidelines for Urban Erosion and Sediment Control (USDA SCS). A truck washing station will be set up at the north end of the existing paved driveway to remove dirt and mud from truck

wheels. Crushed stone roads will be placed on the site and watered regularly. Elmwood Avenue will be power swept on a regular basis and as necessary in response to unusual conditions.

- 3) All noise-generating activities will be conducted in compliance with the provisions of the proposed Town of Brighton Noise Ordinance. Noise impacts will be limited to hours of construction allowed by the Town of Brighton. Construction vehicles and equipment will be properly maintained and contain exhaust mufflers in accordance with industry standards.
- 4) A detailed construction-phasing plan will be submitted and subject to review and approval by the Planning Board as part of the site plan review for the project.
- 5) The wetland limits will be staked with erosion control as well as orange construction fence to prevent inadvertent disturbance to the wetland.

Conclusion:

The mitigation measures proposed adequately address the identified construction impacts.

J. Unavoidable Adverse Environmental Impacts

The following impacts cannot be avoided even with the implementation of all proposed mitigation measures:

- 1) Temporary and sporadic traffic delays due to construction of the street connections to existing streets.
- 2) Temporary increases in noise levels and air emissions during construction.
- 3) A change in land use and visual appearance of the site from predominantly grassland to the proposed housing complex and preservation area.
- 4) A small increase in traffic volume on the local roadway network.
- 5) An incremental increase in stormwater pollutant loading.
- 6) Visual impacts from the canal and town park.
- 7) Increased operation and maintenance cost to the Town.

K. Alternatives

The FEIS analyzed the "No Action" alternative, various alternative design and layout scenarios, and the development of the site consistent with the current zoning.

- 1) No-Action Alternative:

No development of the property would leave that land to continue in natural vegetative succession but would not return any revenue to the property owner. This alternative does not meet the stated project purpose to fulfill the market demand for a lifestyle community in close proximity to Rochester, in a quality

community, with quality schools. Nor does it meet the project Objectives and Goals stated in the DEIS. This alternative also is not consistent with the Town Comprehensive Plan, which does propose development. Finally, doing nothing does not build the economic base of the Town.

2) The Proposed Action:

The proposed Action develops primarily a Residential Waterfront District (WD) mixed-use neighborhood over the entire site with a minor mix of commercial use. It is proposed from implementation with public and private streets which requires relief from the Town Code. The Action is also proposed with residential buildings that exceed height and setback requirements included in the WD code. Therefore, relief from the noted WD requirements is needed to implement the proposed Action.

3) Development per the Town Comprehensive Plan consisting of WD development on the southern portion of the site and residential development on the northern portion of the site, public buildings and buildings less than 40 feet tall per WD Zoning Code:

This Alternative considers a project that is somewhat similar to the Proposed Action but does not require Incentive Zoning for relief of various Code provisions. It would resemble a primarily WD commercial community along the canal waterfront, would have all public streets and the areas north of the waterfront would be residential. All buildings would be constructed within the constraints of existing bulk requirements for the WD Zoning Code. This alternative requires no Incentive Zoning action.

Although potentially similar in appearance to the preferred alternative, having a mix of homes and taller buildings, this alternative requires much more surface parking and rooftops. It, too, eliminates the views of expansive existing grasslands similarly to the preferred alternative, perhaps even more than the preferred alternative because the layout includes conservation areas and greenspace interwoven amongst the residences.

This alternative has the potential to offer public parking adjacent to the canal trail, as well as shops and public restrooms. Public car top boat put-ins could be provided amidst the public spaces near the trail. However, the topography of the tall canal embankment is not conducive to construction of a motorized boat launch, which is possible at another off site location.

This alternative differs programmatically from the Proposed Action, which was developed in response to a market study prepared for the Project Sponsor that reveals a healthy market for this type of development, as well as a transportation study prepared for the Town that presents a rationale not to extend a transportation corridor through the project area. Consequently, without thru-traffic between South Clinton Avenue and Winton Road, the success of this alternative is questionable.

Theoretically, this alternative could be designed in a manner that achieves many of the project goals. However, there are drawbacks with respect to benefits such as:

- With public streets, the cost of maintenance and repairs would be borne by the citizens of Brighton rather than only by the citizens participating in the HOA.
 - Since this alternative would not require Incentive Zoning, there would be no amenities offered by the Project Sponsor to receive incentives, and the community would lose the opportunity for better offsite canal access and improved trails.
 - This alternative requires an extension of Meridian Centre Boulevard, which was shown to be unnecessary, based on the *Meridian Centre Boulevard Extension Study*, and has not been considered a popular option by those who wish to protect the park.
 - This alternative, with the expansion of surface parking, is potentially more difficult to mitigate with respect to stormwater, thermal effects, and visual impacts.
- 4) Developing primarily Residential WD mixed-use development with a minor mix of commercial use, with public streets and loft buildings less than 40 feet tall (requiring relief from WD use):

This Alternative considers a project more similar to the Proposed Action than the alternative discussed in number three above by recognizing that primarily residential land use is necessary since it is unlikely that Meridian Centre Boulevard will be extended, which is needed to support commercial development. And, theoretically this alternative could be designed in a manner that achieves many of the project goals.

This alternative proposes a traditional neighborhood that is open to the public 24 hours a day, 7 days a week. It also proposes that all buildings on the site remain lower than the 40 feet maximum stated in the WD Code. Opening the neighborhood to the public permits portions of the neighborhood to be used for public canal access. By maintaining lower heights, none of the buildings would be notably more visible than any of the other buildings. Multi-family dwellings would appear not much taller than single-family residences. The same density as the proposed action could be provided by spreading out the number of dwellings per acre and limiting buildings to three stories in height.

However, there are drawbacks with respect to achieving many of the project goals if the streets are public and buildings are designed at 40 feet or less:

- With public streets, the cost of maintenance and repairs would be borne by the citizens of Brighton rather than only by the citizens participating in the HOA.
- With public streets, public trail access and car top boat launching would be located within an otherwise residential neighborhood.
- Since this alternative would require less relief of bulk requirements through Incentive Zoning, the Project Sponsor would offer fewer amenities than with the Proposed Action. Therefore, the community

would lose some opportunity for better off site canal access, improved trails, and improved access into Meridian Centre Park.

- Lower buildings could require more land to maintain the same density with fewer levels of housing in the lofts. Consumption of more land means less land would be preserved for habitat and green space.
- Creating a homogeneous neighborhood of buildings that all appear to be the same does little to create a “unique opportunity” for housing.

- 5) Developing primarily Residential WD mixed-use development with a minor mix commercial use, with public streets and loft buildings with a height exceeding 40 feet tall (requiring relief from WD use, length of cul-de-sac, and height restriction):

This Alternative also considers a project more similar to the Proposed Action than the alternative discussed in number three above, by recognizing that the requested land use as primarily residential is necessary and that increased height of buildings equates to more land left for open space and a unique housing opportunity. This neighborhood would be open to the public 24 hours a day, 7 days a week. Opening the neighborhood to the public permits portions of the neighborhood to be used for public canal access.

Although this alternative is similar in land use and building height to the proposed action, public streets could translate to potential drawbacks for Brighton citizens:

- With public streets, the cost of maintenance and repairs would be borne by the citizens of Brighton rather than only by the citizens participating in the HOA.
- Since this alternative would require less relief of bulk requirements through Incentive Zoning, the Project Sponsor would offer fewer amenities than with the Proposed Action. Therefore, the community would lose some opportunity for better off site canal access, improved trails, and improved access into Meridian Centre Park.

- 6) Developing primarily Residential WD mixed-use development with a minor mix of commercial use, with private streets and loft buildings with a height not exceeding 40 feet tall (requiring relief from WD use):

This Alternative considers a project much more similar to the Proposed Action than any of the other alternatives discussed above, by recognizing that the requested land use as primarily residential is necessary and private streets are essential to meet the market demand for an affluent lifestyle community. It also proposes that all buildings on the site remain lower than the 40 feet maximum stated in the WD Code. By maintaining lower heights, none of the buildings would be notably more visible than any of the other buildings. Multi-family dwellings would appear not much taller than the single-family residences. The same density as the proposed action could be provided by spreading out the number of dwellings per acre and limiting buildings to three stories in height.

However, limiting building height to 40 feet could pose drawbacks for Brighton citizens:

- Lower buildings could require more land to maintain the same density with fewer levels of housing in the lofts. Consumption of more land means less land would be preserved for habitat and green space.
- Creating a homogeneous neighborhood of buildings that all appear to be the same does little to create a “unique opportunity” for housing.
- Since this alternative would require less relief of bulk requirements through Incentive Zoning, the Project Sponsor would offer fewer amenities than with the Proposed Action. Therefore, the community would lose some opportunity for better off-site canal access, improved trails and improved access to Meridian Centre Park.

7) Sub-alternative for Emergency Access Using Canal Paths:

Per the Meridian Centre Boulevard Extension Study commissioned by the Town of Brighton earlier in 2007, two routes are suggested as alternative routes for emergency access if the project area is developed without a thru-traffic connection between South Clinton Avenue and Winton Road. One possibility is the use of the Erie Canal trail along north side of the canal, from the parking lot west of South Clinton Avenue to the property planned for *The Reserve*. The other route could be comprised of portions of the trail network in Meridian Centre Park. Both routes would be used only as needed for emergencies, and both routes would require physical improvements before emergency vehicles any larger than perhaps a Police cruiser or an ambulance could use them.

For the purpose of the proposed Action under consideration, the route that utilizes the canal trail appears to be the most feasible choice as it does not introduce traffic into the neighboring park. The physical improvements are discussed in greater detail in the portions of the DEIS and FEIS that apply to the canal access parking lot improvements as these areas include the portion of the canal trail that would require safety improvements. A route that utilizes the canal trail access along the east side of South Clinton Avenue was not investigated beyond a concept level as it would require substantial embankment modifications and can not easily be modified to accommodate emergency vehicles approaching from the south.

L. Irreversible and Irretrievable Commitment of Resources

Development of *The Reserve* will cause the commitment of land, energy, building materials, and economic resources as described below. Construction of the project and future operation of the facilities will involve conversion of land from fallow pasture (grassland) to a planned residential community. Although more than 50 percent of the land is planned as open space, the portions of the site that will be developed with buildings and pavement will be irretrievably committed for the foreseeable future.

Construction of the project will also require irretrievable commitment of building materials, supplies and energy involved with construction, operation and maintenance of the facilities and associated utilities. The applicant has determined that all homes will be constructed to Energy Star standards. In addition, building construction will adhere to National Association of Home Builders (NAHB) model green home building guidelines. Building a development that meets these standards reduces future demand on energy

resources and in the words of the Green Brighton Task Force, reduces the “Carbon Footprint” for this development. The fact that this project encourages walk to work lifestyles also reduces resident dependence on automobiles.

IV. Social, Economic and Other Considerations

The proposal, together with the proposed amenities, will assist the Town in implementing the specific physical, cultural, and social policies of the Town’s 2000 Comprehensive Plan:

- Provision of open space linkages and development of Town parklands.
- Enhancement of the Town as a residential community.
- Development of a balance in the type and cost of residential development and the provision of housing options that will meet the shelter needs of the current population.
- The project adds facilities and improvements to the Town’s recreational system.
- Promotion of land uses adjacent to the canal that support canal path use for active and passive recreation. Provides linkage to other open areas and communities via the canal path.

Any unmitigated environmental impacts will be offset by the benefit of the offered amenities to the Town and additional amenities required to address the lack of affordable housing identified previously in Section E. Land Use and Zoning.

Certification of Findings:

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

- 1) The requirements of 6NYCRR Part 617 have been met;
- 2) Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and;
- 3) Consistent with social economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigation measures which were identified as practicable.

Description of Lands to be Re-Zoned

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 115.90' 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 150.00' feet to the Point of Beginning containing 2,658,944± square feet or 61.041± acres.

SCHEDULE B
**State Environmental Quality Review
FINDINGS STATEMENT**

Date: February 25, 2009

Pursuant to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law and 6NYCRR 617, the Town of Brighton Town Board, acting as Lead Agency, makes the following findings.

Name of Action: *The Reserve* at Brighton

Description of Action: The proposed Action is the Incentive Zoning, Rezoning, Subdivision, and Site Planning for 327 units of planned mixed-use residential development intended for construction beginning in late summer 2009. The existing zoning is Residential (RL-B), and the applicant requests rezoning to Waterfront Development District (WD) with incentives to modify bulk requirements. An EPOD permit is also required for this project since the canal trail improvements and minor grading are planned within 100 feet of the top of the bank of the canal.

Location: The project is located on a 63-acre parcel accessed from South Clinton Avenue in the southern portion of Brighton. It is bound on the north by Interstate 590 (I-590); on the west by South Clinton Avenue and a privately held parcel owned by Entercom Rochester; on the south by the Erie Canal; and on the east by the Town of Brighton Meridian Centre Park.

Agency Jurisdiction: The Town of Brighton Town Board is acting as Lead Agency for the coordinated environmental review of this Type I action. The construction of the proposed project requires amendment to the Town's zoning ordinance and map, as well as incentive zoning which the Town Board must approve. Several other regulatory approvals are necessary from the Brighton Town Board and other agencies as specified in the FEIS.

Date original Draft EIS Filed: May 15, 2008

Date original Final EIS Filed: February 10, 2009

Facts and Conclusions Relied Upon to Support Decision:

I. The Proposed Action

The Reserve calls for the development of the site as a planned residential development consisting of 68 single family detached residences, 91 town homes and 168 loft condominiums for a total of 327 dwelling units on 63 acres. The development also includes a clubhouse with a pool, tennis courts, a putting green, and a gazebo. A Home Owner's Association (HOA) will manage the grounds and buildings in the new community. Proposed services include trash collection, plowing of parking lots and private streets, grounds and building exterior maintenance, and maintenance of all landscaping within proposed public rights of way and HOA property.

The existing zoning is Residential (RL-B). The applicant is requesting rezoning, under Town Incentive Zoning, to Waterfront Development District (WD) with proposed incentives to modify bulk requirements and other Town of Brighton Code requirements. An EPOD permit is required for this project since the canal trail improvements and minor grading are planned within 100 feet

of the top of the bank of the canal. The canal trail improvements include construction of small gathering areas with benches, installation of dark-sky compliant lighting, interpretive signage, non-motorized boat put-in(s) and emergency access improvements. The project proposes land acquisition from New York State through abandonment of rights-of-ways to erect buildings along the canal frontage. A motorized boat launch is planned for the south side of the canal between South Clinton Avenue and the I-390 northbound embankment. The project also includes replacement of the existing canal access parking lot on the north side of the canal located off South Clinton Avenue along with improvements for emergency access through the parking lot and along the canal trail into the project site.

II. Environmental Review Process

A chronology of the original application, and the environmental review of it, is as follows:

October 24, 2007; upon review of the Full Environmental Assessment Form (Full EAF) prepared by the Project Sponsor, the Brighton Town Board determined that development of *The Reserve*, which is a planned residential community on South Clinton Avenue in the Town of Brighton, proposed by Anthony J. Costello & Son (Joseph) Development, LLC, is a Type I Action. The Town issued a Positive Declaration resulting in the need to prepare an Environmental Impact Statement (EIS).

November 14, 2007; A Notice of Public Hearing was issued for Scoping of the EIS necessary for this project, and the Public Scoping Hearing was held on November 14, 2007 to obtain input regarding topics for evaluation in the EIS pursuant to the State Environmental Quality Review Act (SEQRA).

November 26, 2007; written comments from the public regarding the EIS Scope were received until 5:00 PM on November 26, 2007.

December 12, 2007; As a result of the Public Scoping Hearing, public comments, and input from the Town Board, Town Planning Board, and the Conservation Board, the Scope of the EIS was refined and finalized at the December 12, 2007 meeting of the Town Board.

The May 12, 2008 Draft Environmental Impact Statement (DEIS) was approved and circulated to the public and applicable agencies.

A transcript of the Public Hearing held on June 11, 2008 for comment on the DEIS is in FEIS Appendix A. Written comments about the proposed project were received from the public, interested organizations, local, County and State agencies until the end of business on June 23, 2008.

III. Project Environmental Impacts

A. Geology, Soils and Topography

Description of Impacts:

The proposed development of *The Reserve* at Brighton will involve the stripping and stockpiling of topsoil within the development area. There will be grade change on the site and no anticipated impact to bedrock geology.

Mitigation Measures:

- 1) Erosion and sediment control measures will be implemented in accordance with the NYS Guidelines for Urban Erosion and Sediment Control (USDA SCS) and the NYS Department of Environmental Conservation SPEDES Phase II requirements.
- 2) Crushed stone construction entrance and a truck washing station will be utilized for the project. Existing streets will be power swept on a regular basis and as necessary to meet unusual conditions.
- 3) The amount of topsoil to be removed will be subject to review and approval by the Town Planning Board as part of Site Plan review. During Site Plan approval process, topsoil stockpiles will be identified. In addition, a temporary and revocable permit must be obtained from the Town of Brighton Zoning Board of Appeals for screening and selling of topsoil.
- 4) Dust will be monitored daily and suppressed on an as needed basis. Noise generating activities will be conducted in compliance with Town of Brighton noise ordinance.

Conclusion:

The mitigation measures proposed adequately address the identified impacts to geology, soils and topography.

B. Stormwater

Description of Impacts:

The placement of impervious surfaces within the developable portion of the site will result in an increase in the rate and volume of stormwater runoff and an increase in associated stormwater pollutant loading. The proposed stormwater ponds will discharge from the project into the town park.

Mitigation Measures:

- 1) A stormwater management plan has been developed in accordance with the NYSDEC Stormwater Management Design Manual. It provides for four (4) stormwater management ponds with outlet control structures. The stormwater ponds will include permanent wet-pool areas consisting of both shallow water 0" – 18" deep and deep water 6' – 8' deep. Appropriate plantings are proposed on the windward sides of the basins to reduce erosion and filter stormwater runoff. Plantings will also provide a habitat for amphibians.
- 2) The project will comply with Irondequoit Creek Watershed Collaborative (ICWC) policies and practices and the Town of Brighton Comprehensive Development Regulations for Stormwater Management.
- 3) The following specific mitigation measures are proposed:
 - a. The proposed ponds are approximately 28 to 97% larger than required by current local, state and federal standards. The additional surface area

provided by the oversize stormwater mitigation facilities will provide additional evapotranspiration to occur and result in a reduction of stormwater runoff volume.

- b. The proposed stormwater mitigation facilities have been designed to reduce the flow of stormwater leaving the site from 28 to 97% below pre-development rates.
- c. Backyard downspouts are proposed to discharge to splash blocks to allow stormwater to travel through grass areas which slow the rate of runoff and provide additional time to allow infiltration. Thus, also reducing the volume of stormwater leaving the site.
- d. Pond landscaping is to be provided in accordance with the NYSDEC Stormwater Management Design Manual. Species requiring large volumes of water, such as Willow Trees, which can consume around 300 gallons per day per mature tree, are included in the landscape plans.
- e. Grassed channels, rip-rap outlet protection, level spreaders and other devices approved by the regulatory agencies are to be provided for the protection of downstream properties from erosion and sedimentation. These items are to be selected and detailed to mimic the existing flow patterns (i.e. shallow concentrated and channel flows) exiting the site during the final design phase.
- f. As part of the local and state requirements, a plan will be prepared and implemented to address maintenance and operation procedures for dealing with items such as potential pond backups, erosion and sediment, structural deterioration and landscaping.
- g. Improvements will be made to raise the trail profile in the Park, down stream of the stormwater pond located in the southeast corner of the project.
- h. A letter of credit shall be provided to the Town to cover the cost of construction of the proposed stormwater pond, to insure that it conforms to the approved plans, functions as presented in the FEIS and does not impact town park land.

Conclusions:

- 1) With implementation of the stormwater management plan, no increase will occur in the rate of stormwater flow from the site for storm events up to those with a 100-year return period.
- 2) Even with implementation of the stormwater management plan, some increase in storm water pollutant loading may occur.
- 3) Stormwater management plans and facilities will be subject to further review and approval by the Town Engineer as part of Site Plan review for the project.
- 4) The proposed development will have no effect on existing wetlands or plant communities.

- 5) The mitigation measures proposed adequately address the identified impacts to stormwater.

C. Terrestrial and Wetlands

Description of Impacts:

The proposed project will develop approximately 63 acres of land, which are primarily expansive grasslands and old-field communities. This area would be converted to buildings, lawn and landscaped areas, parking areas and roadways. The impacts associated with the development will cause displacement of the wildlife currently utilizing these areas. This development is located near potential habitats for the Western Chorus Frog. The project will impact approximately .71 acres of wetland.

Mitigation Measures:

- 1) As mitigation for the immediate loss of grassland, the project design proposes maintaining open spaces around the perimeter of the site, adjacent to remaining grasslands at the radio tower site and in the Town Park. Also, all four stormwater facilities have large portions designed as maintainable meadow and are located at the fringes of the project where they will connect to remaining grasslands and function as extensions of the grassland bird habitat.
- 2) In consideration of Amphibians, it was found through local sources that Western Chorus Frog habitats are located near the site, one just east of the site near the Jewish Home and another anticipated to be just west of the site in the wetland near the radio towers. As mitigation for potential intrusion of development into frog habitat, it is proposed that characteristics of vernal pools will be incorporated into the stormwater facilities designed for the project. Vernal pools are those natural water features that fill up with several inches of water in the spring when the frogs procreate, then dry up in the summer once the frogs move to dry land. Areas at the fringe of the northwest stormwater facility are appropriate for this treatment, which will be incorporated into the site plans. The vernal pools will be constructed in accordance with "A Guide to Creating Vernal Pools" by Thomas Biebighauser and published by the US Forest Service at locations as designated by the Planning Board during site plan review.
- 3) With respect to potential lighting impacts on wildlife adjacent to the site and along the canal corridor where improvements are planned as an amenity, dark sky standards are being used in the design, which focus light downward and contain lighting spillage onto adjacent property.
- 4) The applicant will be required to obtain an Environmental Protection Overlay District (EPOD) permit from the Town of Brighton for disturbance to the three (3) identified districts.
- 5) Conservation easements will be created to protect the remaining wetland located on the project site.

Conclusion:

- 1) The mitigation measures proposed adequately address the identified impacts to terrestrial and wetlands.
- 2) The US Fish and Wildlife Service and NYS Environmental Conservation have documented that no endangered or threatened species are known to exist on this site.

D. Transportation

Description of Impacts

The proposed development will add additional traffic volumes to the adjacent highway network. The project will generate 139 trips exiting the site during the weekday and 35 trips entering the site during the morning peak hour. The project will generate 76 trips in the afternoon peak hour exiting the site during the weekday and 141 trips in the afternoon peak hour entering the site.

Levels of service (LOS) at the project entrance and the adjacent signalized intersections remain unchanged when considering traffic from purely *The Reserve*. Levels of service at Woodsmeadow Drive remain unchanged. However, the LOS at Senator Keating Boulevard drops from B to C with construction of *The Reserve*.

The proposed Action would have a slight impact on the Westfall Road and the Brighton-Henrietta Town Line Road intersections with South Clinton Avenue. However, updated calculations of projected LOS indicate that construction of *The Reserve* will not deteriorate LOS for the two adjacent signalized intersections.

Mitigation Measures:

- 1) Re-stripe the southbound travel lanes on South Clinton Avenue to include one through lane and one exclusive left turn lane between Senator Keating Boulevard and the new driveway for *The Reserve*.
- 2) Re-stripe the southbound lanes to the south of *The Reserve* to include one through lane and one acceleration lane for motorists exiting *The Reserve*.
- 3) Conduits, pull boxes and other provisions will be installed by the Project Sponsor as required by Monroe County Department of Transportation at the time of project development.
- 4) Re-stripe South Clinton Avenue to provide one lane in each direction with turn lanes and a second left turn lane for southbound traffic at Brighton Henrietta Town Line Rd will installed by the Project Sponsor as required by Monroe County Department of Transportation.
- 5) Construct a northbound right turn lane on South Clinton Avenue for *The Reserve*.
- 6) Provide two exit lanes from *The Reserve* driveway.

Conclusions:

- 1) Results from the updated *GEIS for Senator Keating Boulevard* in early 2008 may reflect changes in levels of service posed by area-wide development. However, those changes are not specifically related to only *The Reserve*. Thus, mitigation for area-wide traffic impacts is not included in *The Reserve* project.
- 2) The applicant is required to obtain all necessary permits from the MCDOT and abide by the conditions of those permits.
- 3) The mitigation measures proposed adequately address the identified impacts to transportation.

E. Land Use and Zoning

Description of Impacts:

The development of *The Reserve* will convert a 63-acre property that is presently grassland into a planned residential development of up to 327 dwelling units including a clubhouse with a pool, tennis courts, a putting green, and a gazebo.

The proposed development is currently zoned as Residential (RL-B). The Comprehensive Plan 2000 of the Town of Brighton recommends waterfront development in the southern portion of the project area and low density development in the remainder of the site. Based on the recommend land uses the site could yield up to +/- 88 residential dwelling units. The proposed development exceeds the recommended residential density by +/- 239 dwelling units.

The Comprehensive Plan recommends that rezoning/incentive zoning proposals should include a percentage set-aside for affordable housing units. The plan also encourages planned residential development that allows for higher density in order to facilitate affordable housing. There is no affordable housing component provided within this development.

The applicant is requesting rezoning, under Town Incentive Zoning, to Waterfront Development District (WD) with proposed incentives to modify bulk requirements and other Town of Brighton Code requirements. The applicant has proposed to the Town of Brighton certain Incentives in consideration of proposed Amenities. These Incentives apply to the following topics: Percentage of residential use allowed in Waterfront Development District (WD) zoning; accessory uses; the width of the proposed R-O-W for the main entrance road; dimensional requirements and lot configurations associated with WD bulk standards, including building heights; the maximum length of proposed cul-de-sacs; fences and signage; site plan review process; and the width of the proposed secondary emergency access route on the Erie Canal Trail.

Mitigation Measures:

- 1) The Applicant proposes the following amenities to the Town of Brighton: A public boat launch on the Erie Canal; Canal trail improvements in accordance with the Town's Erie Canal Grant program; improved access to Meridian Centre Park; a contribution for construction of a new picnic pavilion in Meridian Centre Park; an expanded canal trail access parking lot off of South Clinton Avenue; initial funding of a home improvement program for senior citizens and re-stripping of South Clinton Avenue.
- 2) To assist the Town in maintaining its commitment to affordable housing and to address a need in the Town, the developer proposes a Home Improvement Program for Senior Citizen Homeowners. The Project Sponsor will contribute "seed" funds in the amount of \$5,000 per year over a five year period to entice the Bishop Sheen Ecumenical Housing Foundation (BSEHF) to operate a home repair for seniors program in the Town of Brighton.
- 3) To mitigate the impacts to the town park and Canal from the increase in residential density, the Planning Board will be allowed to modify, subject to the restrictions described in Mitigation Measure 6 to Section H. Visual Impacts, the proposed development layout, establish increased building setbacks, buffers and conservation easements areas as part of the site plan review process to insure the appropriate development of up to 327 residential dwelling units.

Conclusions:

- 1) The proposed development exceeds the recommended residential density by 239 dwelling units. The plan as proposed has a density of 5.2 dwelling units per acre.
- 2) The impacts from the proposed increase in density will be appropriately mitigated during the required site plan review process by the Planning Board and will not be detrimental to the Town of Brighton.
- 3) The project proposed waterfront land use is in substantial compliance with the Town of Brighton's 2000 Comprehensive Plan.
- 4) The development is consistent with the intent of the Waterfront Development District in that it allows public access through the development to the canal and provides appropriate water-oriented development and recreational uses along the canal.
- 5) The proposed home improvement component does not meet the Comprehensive Plan recommendation for affordable housing set-aside. The proposed funds would not add new affordable housing units, nor are funds sufficient to provide home improvements to an adequate number of homes.
- 6) The mitigation measures proposed do not adequately address the identified impacts to land use and zoning.

F. Community Services

Description of Impacts:

The proposed project will create added demand on community services. *The Reserve* will also create a demand on the existing sewer and water facilities. Private grinder pumps are proposed for some of the proposed dwelling units.

The emergency services that are necessary for this project may create an increase in calls to the police department, Brighton Fire Department and Brighton Volunteer Ambulance.

It was forecasted that *The Reserve* project would generate approximately 119 school-aged children. It is also estimated that the proposed project will result in an increase in demand for active recreation.

The project proposes an exception to the Town of Brighton's Minimum Specifications for Dedication for road dedication to allow a portion of the right-of-way to be less than 60 feet wide, which could reduce the functional ability of the roadway.

The proposed amenities will add operation and maintenance cost to the Town. Of particular concern is the ongoing cost associated with the boat launch along with safe vehicle access to and from Clinton Avenue South.

Mitigation Measures:

- 1) It is anticipated that the demand will not exceed the capacity of the existing water and sanitary sewer facilities. The private grinder pumps will be maintained by either the HOA or homeowner. All sanitary mains and laterals will have a minimum of 4 feet of ground cover and will be designed to all town standards.
- 2) A summary of the infrastructure improvements and schedule of private and public improvements for the project is identified in the FEIS. All utility plans will be reviewed and approved by the Town of Brighton Planning Board, Town Engineer and all other Agencies having authority over project approvals.
- 3) The Project Sponsor proposes the following: Improved connection from South Clinton Avenue to the canal trail, access to Meridian Centre Park, canal trail improvements, non-motorized boat put-in(s) and emergency access improvements, a motorized boat launch, replacement of the existing canal access parking lot on the north side of the canal located off South Clinton Avenue along with improvements for emergency access through the parking lot and along the canal trail into the project site.
- 4) The Town of Brighton Public Safety Committee will review and recommend all emergency access improvements.
- 5) The Project Sponsor will pay all required fees to the Town of Brighton Parkland trust Account T-37 (\$700 per dwelling unit).
- 6) The Project Sponsor will petition to form special assessment districts (e.g. lighting, park, water, sanitary, and sidewalk) that would mitigate the estimated additional costs of municipal services.
- 7) The project will meet all standard and requirements of the Town of Brighton's Minimum Specifications for Dedication except to allow a portion of the right-of-way to be less than 60 feet wide.
- 8) The estimated income from property taxes on the Reserve, being fully taxable, will be \$2,066,630 annually for the Brighton Central School District. The Reserve will provide over \$443,000 annually in new tax revenue to the Town.

Conclusions:

- 1) The increased demand for community services is commensurate to the increased revenues, assuming the project is fully taxable and that the special district charges and mortgage taxes are added.
- 2) The mitigation measures proposed adequately address the identified impacts to community services.

G. Cultural Resources

Description of Impacts:

The construction of this project will cause disturbance to approximately 63 acres of land.

A review was conducted by the Office of Parks and Recreation and Historic Preservation (OPRHP). This report indicates that there are "no properties listed in the State or National Register of Historic Places within or adjacent to the project site".

A Phase 1B Archeological survey has been completed documenting historical aerial photography, soil borings and other pertinent data required by OPRHP.

Conclusions:

- 1) SHPO reviewed the project and issued its opinion that the work will have no adverse effects on cultural resources.

H. Visual Impacts

Description of Impacts:

The development of *The Reserve* will change the visual appearance of the site. There will be a loss of vegetation and placement of structures. The loft building proposed along the canal will be up to 74' in height (5 floors of living space over a parking garage, that will be underground on three sides with enclosed street level auto entrances) and setback a minimum of 136' from the canal trail. The residential structures proposed along the park boundary will a minimum setback of 40 feet and a maximum height of 40'. The proposed grade near the park will up to 12' above the existing grade. The development will also include signage that will change the visual appearance of the site.

Mitigation Measures:

- 1) The Project Sponsor proposes the planting of evergreen trees along portions of the trail in Meridian Centre Park. Landscape buffers are proposed in the DEIS along with alternative plantings along the trail. Buffers are proposed on private property as well as an alternative location along the trail in the park.
- 2) As part of site plan approval process for this project, the architectural materials will be specified. Masonry, wood and other natural materials should be utilized. The style of the architecture and lights should be addressed to the satisfaction of

the Architectural Review Board and the Planning Board during the site plan review process for this project.

- 3) The mitigation measures necessary to screen the visual impact of utilities, meters, mechanicals, trash cans and dumpsters will be identified and discussed. These impacts should be addressed to the satisfaction of the Planning Board during the site plan review process for the project.
- 4) The Planning Board, during the site plan approval process will refine the overall look of the project to be in keeping with the Town of Brighton design standards.
- 5) The proposed loft buildings will be staggered along the canal to reduce the visual impact from the canal. The height of the loft buildings has been reduced to maximum height of 74 feet (5 floors of living space over a parking garage).
- 6) Except for the location, height or changes in setback beyond a small range of the proposed loft buildings, the Planning Board will be allowed to modify the proposed development layout, establish increased building setbacks, buffers and conservation easements areas as part of the site plan review to further mitigate the visual impacts to the town park.
- 7) Signage will be reviewed by the Architectural Review Board and reviewed and approved by the Planning Board.

Conclusions:

- 1) The mitigation measures proposed adequately address the identified impacts to visual impacts.
- 2) The impact of this proposed project is that the site currently is viewed as vacant woodland and grassland and the developments of *The Reserve* would formalize the aesthetics of the site. The element used to buffer the visual impacts is landscaping. *The Reserve* project will cause a change to the visual characteristics of the area.

I. Construction Impacts

Description of Impacts:

Construction related impacts will be temporary. During the construction period, impacts to the adjacent neighborhood are expected to include noise and dust generation, limited impairment to traffic flow associated with construction vehicle traffic, utility extensions and curb cuts, and general visual changes to the site setting.

Mitigation Measures:

- 1) Dust will be monitored daily and suppressed on an as-needed basis with a water truck equipped with sprinklers.
- 2) Erosion and sediment control measures will be established and implemented prior to site clearing in accordance with the NYS Guidelines for Urban Erosion and Sediment Control (USDA SCS). A truck washing station will be set up at the north end of the existing paved driveway to remove dirt and mud from truck

wheels. Crushed stone roads will be placed on the site and watered regularly. Elmwood Avenue will be power swept on a regular basis and as necessary in response to unusual conditions.

- 3) All noise-generating activities will be conducted in compliance with the provisions of the proposed Town of Brighton Noise Ordinance. Noise impacts will be limited to hours of construction allowed by the Town of Brighton. Construction vehicles and equipment will be properly maintained and contain exhaust mufflers in accordance with industry standards.
- 4) A detailed construction-phasing plan will be submitted and subject to review and approval by the Planning Board as part of the site plan review for the project.
- 5) The wetland limits will be staked with erosion control as well as orange construction fence to prevent inadvertent disturbance to the wetland.

Conclusion:

The mitigation measures proposed adequately address the identified construction impacts.

J. Unavoidable Adverse Environmental Impacts

The following impacts cannot be avoided even with the implementation of all proposed mitigation measures:

- 1) Temporary and sporadic traffic delays due to construction of the street connections to existing streets.
- 2) Temporary increases in noise levels and air emissions during construction.
- 3) A change in land use and visual appearance of the site from predominantly grassland to the proposed housing complex and preservation area.
- 4) A small increase in traffic volume on the local roadway network.
- 5) An incremental increase in stormwater pollutant loading.
- 6) Visual impacts from the canal and town park.
- 7) Increased operation and maintenance cost to the Town.

K. Alternatives

The FEIS analyzed the "No Action" alternative, various alternative design and layout scenarios, and the development of the site consistent with the current zoning.

- 1) No-Action Alternative:

No development of the property would leave that land to continue in natural vegetative succession but would not return any revenue to the property owner. This alternative does not meet the stated project purpose to fulfill the market demand for a lifestyle community in close proximity to Rochester, in a quality

community, with quality schools. Nor does it meet the project Objectives and Goals stated in the DEIS. This alternative also is not consistent with the Town Comprehensive Plan, which does propose development. Finally, doing nothing does not build the economic base of the Town.

2) The Proposed Action:

The proposed Action develops primarily a Residential Waterfront District (WD) mixed-use neighborhood over the entire site with a minor mix of commercial use. It is proposed from implementation with public and private streets which requires relief from the Town Code. The Action is also proposed with residential buildings that exceed height and setback requirements included in the WD code. Therefore, relief from the noted WD requirements is needed to implement the proposed Action.

3) Development per the Town Comprehensive Plan consisting of WD development on the southern portion of the site and residential development on the northern portion of the site, public buildings and buildings less than 40 feet tall per WD Zoning Code:

This Alternative considers a project that is somewhat similar to the Proposed Action but does not require Incentive Zoning for relief of various Code provisions. It would resemble a primarily WD commercial community along the canal waterfront, would have all public streets and the areas north of the waterfront would be residential. All buildings would be constructed within the constraints of existing bulk requirements for the WD Zoning Code. This alternative requires no Incentive Zoning action.

Although potentially similar in appearance to the preferred alternative, having a mix of homes and taller buildings, this alternative requires much more surface parking and rooftops. It, too, eliminates the views of expansive existing grasslands similarly to the preferred alternative, perhaps even more than the preferred alternative because the layout includes conservation areas and greenspace interwoven amongst the residences.

This alternative has the potential to offer public parking adjacent to the canal trail, as well as shops and public restrooms. Public car top boat put-ins could be provided amidst the public spaces near the trail. However, the topography of the tall canal embankment is not conducive to construction of a motorized boat launch, which is possible at another off site location.

This alternative differs programmatically from the Proposed Action, which was developed in response to a market study prepared for the Project Sponsor that reveals a healthy market for this type of development, as well as a transportation study prepared for the Town that presents a rationale not to extend a transportation corridor through the project area. Consequently, without thru-traffic between South Clinton Avenue and Winton Road, the success of this alternative is questionable.

Theoretically, this alternative could be designed in a manner that achieves many of the project goals. However, there are drawbacks with respect to benefits such as:

- With public streets, the cost of maintenance and repairs would be borne by the citizens of Brighton rather than only by the citizens participating in the HOA.
 - Since this alternative would not require Incentive Zoning, there would be no amenities offered by the Project Sponsor to receive incentives, and the community would lose the opportunity for better offsite canal access and improved trails.
 - This alternative requires an extension of Meridian Centre Boulevard, which was shown to be unnecessary, based on the *Meridian Centre Boulevard Extension Study*, and has not been considered a popular option by those who wish to protect the park.
 - This alternative, with the expansion of surface parking, is potentially more difficult to mitigate with respect to stormwater, thermal effects, and visual impacts.
- 4) Developing primarily Residential WD mixed-use development with a minor mix of commercial use, with public streets and loft buildings less than 40 feet tall (requiring relief from WD use):

This Alternative considers a project more similar to the Proposed Action than the alternative discussed in number three above by recognizing that primarily residential land use is necessary since it is unlikely that Meridian Centre Boulevard will be extended, which is needed to support commercial development. And, theoretically this alternative could be designed in a manner that achieves many of the project goals.

This alternative proposes a traditional neighborhood that is open to the public 24 hours a day, 7 days a week. It also proposes that all buildings on the site remain lower than the 40 feet maximum stated in the WD Code. Opening the neighborhood to the public permits portions of the neighborhood to be used for public canal access. By maintaining lower heights, none of the buildings would be notably more visible than any of the other buildings. Multi-family dwellings would appear not much taller than single-family residences. The same density as the proposed action could be provided by spreading out the number of dwellings per acre and limiting buildings to three stories in height.

However, there are drawbacks with respect to achieving many of the project goals if the streets are public and buildings are designed at 40 feet or less:

- With public streets, the cost of maintenance and repairs would be borne by the citizens of Brighton rather than only by the citizens participating in the HOA.
- With public streets, public trail access and car top boat launching would be located within an otherwise residential neighborhood.
- Since this alternative would require less relief of bulk requirements through Incentive Zoning, the Project Sponsor would offer fewer amenities than with the Proposed Action. Therefore, the community

would lose some opportunity for better off site canal access, improved trails, and improved access into Meridian Centre Park.

- Lower buildings could require more land to maintain the same density with fewer levels of housing in the lofts. Consumption of more land means less land would be preserved for habitat and green space.
- Creating a homogeneous neighborhood of buildings that all appear to be the same does little to create a “unique opportunity” for housing.

- 5) Developing primarily Residential WD mixed-use development with a minor mix commercial use, with public streets and loft buildings with a height exceeding 40 feet tall (requiring relief from WD use, length of cul-de-sac, and height restriction):

This Alternative also considers a project more similar to the Proposed Action than the alternative discussed in number three above, by recognizing that the requested land use as primarily residential is necessary and that increased height of buildings equates to more land left for open space and a unique housing opportunity. This neighborhood would be open to the public 24 hours a day, 7 days a week. Opening the neighborhood to the public permits portions of the neighborhood to be used for public canal access.

Although this alternative is similar in land use and building height to the proposed action, public streets could translate to potential drawbacks for Brighton citizens:

- With public streets, the cost of maintenance and repairs would be borne by the citizens of Brighton rather than only by the citizens participating in the HOA.
- Since this alternative would require less relief of bulk requirements through Incentive Zoning, the Project Sponsor would offer fewer amenities than with the Proposed Action. Therefore, the community would lose some opportunity for better off site canal access, improved trails, and improved access into Meridian Centre Park.

- 6) Developing primarily Residential WD mixed-use development with a minor mix of commercial use, with private streets and loft buildings with a height not exceeding 40 feet tall (requiring relief from WD use):

This Alternative considers a project much more similar to the Proposed Action than any of the other alternatives discussed above, by recognizing that the requested land use as primarily residential is necessary and private streets are essential to meet the market demand for an affluent lifestyle community. It also proposes that all buildings on the site remain lower than the 40 feet maximum stated in the WD Code. By maintaining lower heights, none of the buildings would be notably more visible than any of the other buildings. Multi-family dwellings would appear not much taller than the single-family residences. The same density as the proposed action could be provided by spreading out the number of dwellings per acre and limiting buildings to three stories in height.

However, limiting building height to 40 feet could pose drawbacks for Brighton citizens:

- Lower buildings could require more land to maintain the same density with fewer levels of housing in the lofts. Consumption of more land means less land would be preserved for habitat and green space.
- Creating a homogeneous neighborhood of buildings that all appear to be the same does little to create a “unique opportunity” for housing.
- Since this alternative would require less relief of bulk requirements through Incentive Zoning, the Project Sponsor would offer fewer amenities than with the Proposed Action. Therefore, the community would lose some opportunity for better off-site canal access, improved trails and improved access to Meridian Centre Park.

7) Sub-alternative for Emergency Access Using Canal Paths:

Per the Meridian Centre Boulevard Extension Study commissioned by the Town of Brighton earlier in 2007, two routes are suggested as alternative routes for emergency access if the project area is developed without a thru-traffic connection between South Clinton Avenue and Winton Road. One possibility is the use of the Erie Canal trail along north side of the canal, from the parking lot west of South Clinton Avenue to the property planned for *The Reserve*. The other route could be comprised of portions of the trail network in Meridian Centre Park. Both routes would be used only as needed for emergencies, and both routes would require physical improvements before emergency vehicles any larger than perhaps a Police cruiser or an ambulance could use them.

For the purpose of the proposed Action under consideration, the route that utilizes the canal trail appears to be the most feasible choice as it does not introduce traffic into the neighboring park. The physical improvements are discussed in greater detail in the portions of the DEIS and FEIS that apply to the canal access parking lot improvements as these areas include the portion of the canal trail that would require safety improvements. A route that utilizes the canal trail access along the east side of South Clinton Avenue was not investigated beyond a concept level as it would require substantial embankment modifications and can not easily be modified to accommodate emergency vehicles approaching from the south.

L. Irreversible and Irretrievable Commitment of Resources

Development of *The Reserve* will cause the commitment of land, energy, building materials, and economic resources as described below. Construction of the project and future operation of the facilities will involve conversion of land from fallow pasture (grassland) to a planned residential community. Although more than 50 percent of the land is planned as open space, the portions of the site that will be developed with buildings and pavement will be irretrievably committed for the foreseeable future.

Construction of the project will also require irretrievable commitment of building materials, supplies and energy involved with construction, operation and maintenance of the facilities and associated utilities. The applicant has determined that all homes will be constructed to Energy Star standards. In addition, building construction will adhere to National Association of Home Builders (NAHB) model green home building guidelines. Building a development that meets these standards reduces future demand on energy

resources and in the words of the Green Brighton Task Force, reduces the "Carbon Footprint" for this development. The fact that this project encourages walk to work lifestyles also reduces resident dependence on automobiles.

IV. Social, Economic and Other Considerations

The proposal, together with the proposed amenities, will assist the Town in implementing the specific physical, cultural, and social policies of the Town's 2000 Comprehensive Plan:

- Provision of open space linkages and development of Town parklands.
- Enhancement of the Town as a residential community.
- Development of a balance in the type and cost of residential development and the provision of housing options that will meet the shelter needs of the current population.
- The project adds facilities and improvements to the Town's recreational system.
- Promotion of land uses adjacent to the canal that support canal path use for active and passive recreation. Provides linkage to other open areas and communities via the canal path.

Any unmitigated environmental impacts will be offset by the benefit of the offered amenities to the Town and additional amenities required to address the lack of affordable housing identified previously in Section E. Land Use and Zoning.

Certification of Findings:

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

- 1) The requirements of 6NYCRR Part 617 have been met;
- 2) Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and;
- 3) Consistent with social economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigation measures which were identified as practicable.

**SCHEDULE C-1
INITIAL CONDITIONS**

1. That, prior to the amendment of the Zoning Map of the Town for the Site, the Applicant will execute an agreement with the Town for the design and construction of certain improvements to the Canalway Trail from the eastern property line of the Site west to the City line, as described in the grant agreement between the Town and the Canal Corporation (#C100788, dated 3/12/07) and in Appendix C, page 5 of the FEIS. The Agreement shall provide for the payment by the Applicant of all of the costs of the referenced improvements, net of the grant proceeds, and shall be subject to the approval of the Attorney to the Town as to form.

Concurrently, the Applicant shall furnish a letter of credit (in a form and by an entity as approved by the Town) in the amount of \$290,050, which represents the current, estimated cost of the local share of these improvements.
2. That, prior to the amendment of the Zoning Map of the Town for the Site, the Applicant shall make a contribution of \$290,000 to the Parkland Trust Fund of the Town, representing the amount formerly offered for construction of a boat launch and now to be used by the Town for other park improvements.

SCHEDULE C-2

CONDITIONS

1. That, prior to the issuance of any building permit for construction on the Site, the Applicant will convey, or will cause to be conveyed, to the Town , easements in perpetuity for the purposes of :

- a] maintaining a multi-use trail and of allowing public access to (and parking for) said trail. Said easement shall be approved as to form by the Town Attorney. Said easement shall be along Mays Point Trail East from Bridgewater Rise to the easterly cul-de-sac, and thence east to the park trail below the Canal trail, shall be a minimum of twenty feet (20') wide, shall include the non-exclusive use of up to five(5) parking spaces as designated by the Planning Board, and shall be aligned as approved by the Planning Board during Site Plan review.
- b] conservation, after construction, of a minimum of a 25'-wide strip, generally along the eastern boundary of the site. The boundaries of said easement shall be as approved by the Planning Board during Site Plan review.
- c] allowing public access to and along a trail located between the Oneida Pass and the Jefferson Hill neighborhoods and connecting Bridgewater Rise to Meridian Centre Park. The trail alignment and easement width shall be set by the Planning Board during site plan review. The construction and maintenance of this trail shall be at the Applicant's expense.
- d] conservation of the remaining wetlands on the site , as described in drawing 7 of the FEIS.

- e) allowing permanent emergency access, and temporary public access, to and along a trail located between the clubhouse and the Frankfort Loft building and connecting Bridgewater Rise to the Canalway trail. The trail alignment and easement width shall be set by the Planning Board during site plan review. The construction and maintenance of this trail shall be at the Applicant's expense.

2. That, prior to the issuance of any final certificate of occupancy for the Champlain or the Blackrock buildings on the Site, the Applicant will construct, or will cause to be constructed, a paved on-street parking area and a stone dust multi-use trail of at least 10' in width, centered within the easement described in #1(a) and meeting the specifications of the Town.

3. That the approval, if granted, of the final Site Plan for the Site shall be conditioned upon the compliance by the Applicant, its successors and assigns with any applicable requirements of the U.S. Army Corps of Engineers and the New York State Department of Environmental Conservation (NYSDEC) concerning wetland disturbance, concerning the quantities of storm drainage to be discharged to the wetlands, and concerning the quality of the storm drainage waters.

4. That, in addition to any other required approvals, all exterior sides of all structures to be constructed on the Site as shown on the Plan shall be subject to the approval of the Architectural Review Board of the Town of Brighton, as provided in the CDR and the Findings Statement.

5. That any subdivision of the Site, and any site plan for lots on the Site, 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. Said site plan for the Site shall include a detailed landscaping plan, signage plan and a detailed lighting plan.

6. That the Site shall only be developed in accord with the site plan as approved by the Planning Board, with the DEIS, with the FEIS and with the Findings Statement adopted by the Town Board on February 25, 2009, except that:

a] the loft buildings and club house shall be located and oriented generally as shown on Figure 4A (the Concept Site Plan) of the FEIS;

b] the site shall be developed for between 314 and 327 residential units;

c] that Mays Point Trail East and West shall not be offered for dedication to the Town, and shall be designed with an easement width of less than forty nine feet, unless the Planning Board and the Applicant mutually agree that a street layout with a dedicated roadway is advantageous to the public and to the residents;

And, d] that Bridgewater Reserve, Bridgewater Rise, Little Falls, Oneida Pass and Jefferson Hill shall be mapped, designed and constructed so as to be suitable for dedication to the Town.

7. Prior to the issuance of each building permit for each residence on the Site, the Applicant shall make the payment of \$700 per unit to the Parkland Trust Fund, as required by section 277 of the Town Law and by the Town Board's 1997 resolution.

8. That, prior to the issuance of any building permit for the Site, the Applicant shall execute an agreement with the Town for the Applicant's support of an affordable housing program, selected by the Town and off of the Site. Said agreement shall require a contribution of \$31,000 per year over five years (\$155,000 total) by the Applicant, and shall be of a form as approved by the Attorney for the Town.

9. That, prior to the issuance of any permit for the Site, and if the Planning Board directs that such plantings be made, the Applicant, on behalf of itself, its successors and assigns, shall execute an agreement with the Town for the planting and perpetual maintenance of landscaping, planted by the Applicant or its agents, within the easement area and within the Town park property on the boundary of the Site and the Town park property. The specifications for the planting, the selection of the plant materials and the location of these plantings shall be as approved by the Planning Board during site plan review.

10. That, prior to the issuance of any building permit for the Site, the Applicant shall make a contribution of \$25,000 to the Parkland Trust Fund of the Town, representing the estimated cost of a picnic pavilion to be constructed in Meridian Centre Park.

11. That, prior to the issuance of any certificate of occupancy for the Site, the Applicant (or its agents) shall have secured all necessary permits for, and have satisfactorily completed (per the approved plans and specifications) the construction of, the following improvements

- a] a redeveloped canal access parking lot, as more particularly described on Table 6 and Figure 2d of the FEIS;
- b] improvements to raise the profile of the existing stone dust trail by up to one foot over up to 200 LF, downstream in the southwest corner of Meridian Center Park, as described in Table H of the FEIS.;

- c]___the surface treatment of, and re-striping to a 3-lane section of, S. Clinton Ave. between Sen. Keating Blvd. and Brighton-Henrietta Town Line Rd., as described in Chapter 4, section B of the DEIS;
- e] the construction of the trailhead parking and connecting trail from Mays Point Trail to connect to the Town Park trail;
- and, f] the construction of a second means of emergency access to the Site, generally as described in Figure 2F of the FEIS and as more particularly required by the Town Engineer and the Fire Marshal.

The plans and specifications for all of the improvements described in this section 11 shall be subject to the review and approval of the Town Engineer.

12. That, prior to the issuance of any permit for the Site, the Applicant shall furnish a letter of credit (in a form and by an entity as approved by the Town) in the amount of \$400,000, which represents the current, estimated cost of the improvements described in section (11), above.

13. That , prior to the issuance of any permit on the Site, the Applicant execute and submit petitions for, and continue to consent to, the formation of a Park District and of a Lighting District (as per the procedures described in Article 12 of the Town Law), encompassing the entire Site and providing for the maintenance, at the sole cost of the Districts, of the improvements described in sections C-1(1) [the Canalway Trail improvements], and C-2(11)(e)[the trail and trail parking] , above.

14. That, prior to the issuance of any permit for the Site, the Applicant will execute and deliver a standby PILOT agreement. Said agreement shall provide for the continued payment by the Applicant and/or its successors and/or assigns_of all mortgage, Town and School District property taxes, even if the project is acquired by a tax-exempt entity or granted other tax exemptions.
15. That no commercial uses will be permitted on the Site. The clubhouse shall be owned and controlled by the homeowners association, and shall be used only by residents and their guests.
16. That any disturbance of the_steep slope_environmental protection overlay district, and/or of the watercourse environmental protection overlay district shall be subject to the approval of the Planning Board.
17. That, prior to the issuance of any permit for the Site, the Applicant shall furnish a letter of credit to the Town to guarantee the proper construction and operation of the stormwater ponds, as described in the stormwater management plan and the FEIS. The amount and form of the letter of credit shall be subject to the approval of the Town Engineer.
18. That the Applicant, its successors and assigns are not in default of any of its obligations under any of the agreements with the Town.
19. That the conditions set forth herein may be altered, modified and/or removed only upon written consent of the Town Board of the Town of Brighton and the Applicant.
20. That any agreements, required to be executed under the terms of these Conditions, shall be in a form as may be approved by the Attorney for the Town.

21. That, if any or one or more of the conditions or requirements or any portion thereof which are set forth in this Resolution are determined by a Court of competent jurisdiction to be contrary to law, such condition or requirement, or portion thereof, shall **NOT** be deemed and construed to be severable from the remaining conditions and requirements which are herein contained and **SHALL** affect the validity of the entire Resolution and the validity of the remaining conditions and requirements, or portions thereof.

wpdata\ReserveSchedC

SCHEDULE D-1
INITIAL INCENTIVES

1. That, upon the satisfaction of both conditions listed in schedule C-1, the Site be rezoned to Waterfront Development District (WD), with a maximum density of 5.2 dwelling units per acre across the entire Site, without any commercial and office uses, and that the zoning map of the Town be amended to reflect this.

SCHEDULE D-2
INCENTIVES

1. That, within this Zoning District and within the proposed Project, residential uses will occupy 100% of the Site (and, therefore, 100% of the Canal frontage) and that upper floors on the loft buildings may have only residential uses. No commercial or office uses will be permitted.
2. Permitted accessory uses within this Zoning District shall include a tennis court and putting green. A clubhouse and a welcome center shall be conditionally permitted as accessory uses in this District, and be subject to review and approval by the Planning Board pursuant to Chapter 217, article II of the Code.
3. 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.
4. That the proposed clubhouse may have a maximum height of up to 35 feet.
5. That the Comprehensive Development Regulations ("CDR") of the Town are amended as follows for the Site:
 - a) That cul de sacs of up to 1,600 feet be permitted on each of the proposed Bridgewater Rise, Jefferson Hill and Mays Point East (rather than the five hundred feet permitted by the CDR);
 - b) A maximum lot coverage of up to 91 % will be permitted for the loft buildings;
 - c) That site plan reviews of the proposed detached, single-family lots may be conducted on a neighborhood, rather than a lot-by-lot basis, provided that all information as required in Chapter 217, Article III of the Code is provided at the time of the "neighborhood" application;
 - d) ~~That the maximum lot coverage for each lot occupied by a detached, single family home shall not exceed sixty percent (60%); and,~~
6. That the maximum height of each of the detached, single-family homes shall not exceed thirty feet (30').
7. That a variance be approved to the minimum specifications for dedication, to allow Bridgewater Rise to have a R.O.W. width of as little as 50'.
8. That the minimum lot sizes, and the maximum livable floor areas, shall be as follows for the neighborhoods on the Site:

Brewerton: lots of no less than 6,000 SF, with a maximum livable floor area of 3,500 SF;
Fort Plains: lots of no less than 8,000 SF, with a maximum livable floor area of 3,500 SF;
Waterford: lots of no less than 12,000 SF, with a maximum livable floor area of 6,000 SF.

Larger minimum lot sizes, and smaller maximum livable floor areas, may be reasonably required by the Planning Board.

8. That neighborhood identification and building identification signs shall be permitted on the Site. Said signs shall not exceed the sizes shown on Figure 4C of the FEIS, ~~and~~ . **The size and configuration of the signs** may be reduced **or altered** as reasonably required by the Planning Board. Said signs shall be reviewed, modified and approved (if appropriate) pursuant to chapter 207, section 29 of the Code.
9. That the Town will permit, on the land owned by the Town, planting and maintenance of a landscape buffer, but only in accordance with the Findings Statement and the site plan (as approved by the Planning Board), only in accordance with the terms and conditions of an agreement between the Town and Applicant , and only after an irrevocable letter-of-credit, to secure the proper restoration and maintenance, has been posted by the Applicant in an amount as established by the Town Engineer.
10. That the fire access proposed along the Canalway Trail may be constructed to a width as reasonably required by the Fire Marshal and Town Engineer, rather than the 25 feet required in Chapter 73, section 23.
11. That all improvements on the Site shall otherwise comply in all other respects with the requirements of the Comprehensive Development Regulations.
12. That the incentives and conditions set forth herein may be altered, modified and/or removed only upon written consent of the Town Board of the Town of Brighton and the Applicant. **Variances from the bulk requirements contained in item 7 of this schedule D-2, and the setback requirements as established by the Planning Board during site plan review (pursuant to chapter 203, section 172(b)), shall be reviewed by the Zoning Board of Appeals pursuant to Chapter 219 of the CDR.**



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

March 18, 2009

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

RE: Planning Board comments on the Final Environmental Impact Statement and project plans for the "Reserve at Brighton"

Honorable Board Members:

The Planning Board at its meeting held March 18, 2009, reviewed the Final Environmental Impact Statement (FEIS) and project plans for the "Reserve at Brighton" and has the following comments:

1. The project plans, as contained in the FEIS, illustrate inadequate buffering and conservation easement between the development and the adjacent town park. Based on the proposed plan, the Planning Board can not make positive findings that impacts have been mitigated to the maximum extent practicable, as required pursuant to SEQRA. To further mitigate the impacts to the town park, the Planning Board should be allowed to modify the proposed development layout, establish increased building setbacks, increased buffers and conservation easement areas along the park boundary as part of the site plan approval process.
2. Planting of the trees within the Town Park to mitigate the visual impacts of the project is not recommended. The visual impacts of the project should be mitigated on-site with an increased buffer and conservation area enhanced with densely planted landscaping. The Board is concerned that if this is not done, the area between the residential properties and the proposed tree plantings will be used as residential rear yards and will become a de facto extension of the proposed project.
3. The Planning Board requests the flexibility to alter the placement and orientation of the loft buildings. The Planning Board is still concerned about the orientation and configuration of the loft buildings along the canal frontage. The Board finds this aspect of the project to be inconsistent with the green, relatively natural appearance in the immediate area and the relation of buildings to the Canal in other nearby developments. The height reduction of the proposed loft buildings is an improvement, but the Board

believes that the orientation of the loft buildings could be further modified to better address the impacts to the canal and surrounding area. Also, the visual impacts of the loft buildings are greatly mitigated by the existing vegetation to be retained along the canal. The Planning Board is concerned that the NYS Canal Authority may allow this vegetation to be removed in the future, leaving the visual impacts of the loft buildings unmitigated. An alternative landscape plan for on-site mitigation should be prepared to address this possibility.

4. The proposed setbacks and other area requirements are too permissive. These requirements should be reviewed and established during site plan approval process, as provided for under the Waterfront Zoning district regulations. The currently proposed bulk/area requirements would preclude the Planning Board from making positive finding pursuant to SEQRA.

5. The Planning Board has concerns about the requested incentive for coverage. Based on the information presented in the FEIS, a 3-story 6,300 square foot house could be built on a 6,000 square foot lot, a 3-story 9,600 square foot house could be built on an 8,000 square foot lot and a 3-story 23,400 square foot house could be built on a 12,000 square foot lot. It is recommended that the maximum livable floor area regulations found in CDR Section 205-2 be required for the proposed single-family homes. Section 205-2 would allow a 2,250 square foot house to be built on a 6,000 square foot lot, a 2,364 square foot house to be built on an 8,000 square foot lot and a 2,592 square foot house to be built on a 12,000 square foot lot.

6. The Board has concerns about the interior lot and road orientation of the project (i.e. town homes located east of the loft building, and on Colden Glen South, south of the proposed storm water facility). These concerns may be able to be addressed with site plan modifications.

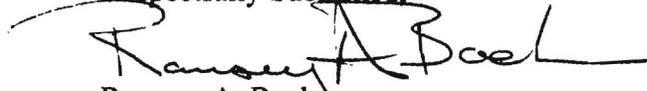
7. The applicant has thus far failed to adequately address impacts and mitigation measures for affordable housing in the FEIS. Please see the attached letter from Ramsey Boehner to Honorable Town Board, dated June 23, 2008 for previous comments and concerns regarding affordable housing.

8. In the FEIS the applicant requests an incentive to be relieved from obtaining site plan approval for individual lots. The Planning Board does not object to the applicant applying for Site Plan approval for all lots within a neighborhood under one application provided all information required under CDR, Chapter 217, Article III, Approval of Site Plans is submitted for each lot (i.e. first floor elevation, driveway locations, grading, utility location, building location, paved areas, landscaping, easements, setbacks and other dimensional information). If granted, the incentive should not limit the Planning Board's ability to request additional information necessary to carry out the purpose and intent of Chapter 217.

9. The FEIS notes that the applicant has removed the vehicle gate from the entrance of the project and that the general public will be permitted access through the site. This is especially important in an area that is supposed to provide public access to the canal per the recommendations of the Town' Comprehensive Plan and is also consistent with existing development within the Town.

10. The Board recommends that the incentive zoning and rezoning approvals, if granted, do not include any commitment regarding the site plan layout or any commitment regarding approval of the proposed overall density, except as a maximum limit.

Respectfully Submitted,



Ramsey A. Boehner
Executive Secretary
Planning Board

attachment



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

June 23, 2008

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

RE: Planning Board comments on the Draft Environmental Impact Statement for the
"Reserve at Brighton"

Honorable Board Members:

The Planning Board at their meeting held June 18, 2008, reviewed the Draft Environmental Impact Statement (DEIS) for the "Reserve at Brighton" and has the following comments:

1. The DEIS illustrates an inadequate buffering between the development and the adjacent Town nature park. It is recommended that a conservation easement with a minimum width of 50 feet be provided along the park boundary. A 75' building setback from the park boundary is also recommended. The board recommends that all proposed minimum building setbacks from the park boundary and all conservation areas be subject to conservation easements and deed restrictions.
2. This proposal appears to fall short of the Comprehensive Plan recommendations for this area in terms of public access. The project is proposed as a gated community with no public access at the site. It is inconsistent with existing development in the Town to have a gated community, especially in an area that is supposed to provide public access to the canal per the recommendations of the Town's Comprehensive Plan. The applicant has not demonstrated in the DEIS that a gated community is needed to meet the marketing goals for the project.
3. The applicant has not adequately illustrated in the DEIS the visual impacts to the canal and the canal path resulting from the loft buildings. The Board requests the flexibility to alter the placement, orientation, and architectural feature of the buildings during the site plan review process. To assist in this review, it is requested that the FEIS include photo simulations of the project during the winter months with and without any proposed mitigations. The simulations should be taken from the following locations:

- Canal trail in front of the loft buildings at various locations

- Canal trail in front of the area to be cleared for the clubhouse toward the loft buildings
- Trail leading from the canal trail to the Town nature park toward the loft building
- Town park nature trail closest to the eastern lot on Jefferson Hill, eastern lot on Oneida and the eastern town homes.
- Town park woodchip nature trail closest to the northern lot on Jefferson Hill

The photo simulations for the single family and town homes should be set at the proposed minimum 20' rear setback and at the max. 40' height.

4. The applicant has failed to evaluate the impacts and mitigations for affordable housing in the DEIS as specifically required by the DEIS scope. In accordance with the Comprehensive Plan recommendations, it is important that residential development of the remainder of developable land in Brighton encourages and promotes a balance in the type and cost of residential development, along with providing a set-aside for affordable housing units.

5. In evaluating the impacts of the project as proposed on affordable housing goals of the Comprehensive Plan, the FEIS should evaluate pertinent factors, including but not limited to: the project's consumption of a large portion (approximately 62 acres) of the relatively small amount of remaining space available in the Town for new residential development; the target demographic for the project is "households of 45-65 year old professional and/or empty-nesters and/or move-downs, with annual incomes of \$150,000 or more" (DEIS, at 190); households with incomes of \$150,000 or more accounted for only 5.0% of the households in the project's target market area, the Rochester Metropolitan Statistical Area (MSA), in 2006 (DEIS App. C.7 Market Study, at 21); the present and projected growth in demand for housing options in the Town of Brighton that are affordable to households with the median household income, and with 80% of the median household income, in the Rochester MSA; the price of the lowest-priced units for the project are presently projected to start at \$275,000; based on the "Table 2-Market Study Recommended Product Program Chart" which was used as the basis for the housing types and density proposed for this Action" (DEIS, at 19), the FEIS should contain a chart using the same format but specifying the product type, number of units, size range and projected base price range for each type of residential unit that is actually proposed for the project; the DEIS Market Study (C.7, at 15), charts the annual number and average price of existing home sales in the Rochester MSA for the years 2003-2006 (\$139,138 for 2006); the FEIS should contain an updated chart of the number of sales and average price of sales of homes through 2007, broken down into existing homes and new home sales for each of the Town of Brighton and the Rochester MSA markets.

7. In evaluating the mitigation of the project's adverse impacts on the affordable housing goals set forth in the Comprehensive Plan, the FEIS should evaluate a reasonable range of potential approaches to mitigation, including but not limited to: setting aside a portion of the project site for affordable housing; setting aside for affordable housing some portion of the proposed CityGate development that is located within the Town of

Brighton; obtaining or setting aside for affordable housing some other suitable land in the Town of Brighton; by consulting with experts on the development of affordable housing developments, such as Providence Housing, Rural Opportunities, Conifer Realty or others, describe how state, federal and charitable grants, low-interest loans and mortgages, and tax credits can be used to make it feasible to develop affordable housing within the set aside areas described above; and factor into each mitigation measure the impacts on the real property tax base for the Town, school and service districts.

8. The applicant did not address the monetary value of the proposed incentives (especially the increase of density) in the DEIS. These values should be presented and discussed in the FEIS.

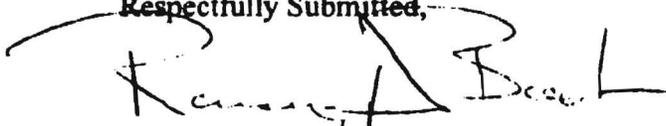
9. The applicant has not addressed the drainage impacts to the Town nature park and adjacent Meridian Centre Park in the DEIS, as specifically required in the DEIS scope. Mitigation of the impacts may result in design change, loss of density and off-site drainage improvements.

10. The Board has concerns about the interior lot and road orientation of the project. These concerns may be able to be addressed with site plan modifications.

11. The Board recommends that the incentive zoning and rezoning approvals, if granted, do not include any commitment regarding the site plan layout or any commitment regarding approval of the proposed overall density, except as a maximum limit.

The Planning Board requests that all of the foregoing comments be addressed in the Final Environmental Impact Statement.

Respectfully Submitted,



Ramsey A. Bohner
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 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated March 23, 2009, from Douglas S. Clapp, Director of Communications, concerning the solicitation of bids for video equipment, be received and filed; and be it further

RESOLVED, that the Director of Communications is hereby authorized to solicit bids for the purchase of video equipment to be used for cable television operations.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
 Supervisor
 JAMES R. VOGEL
 RAYMOND J. TIERNEY III
 LOUISE NOVROS
 SHEILA A. GADDIS
 Councilpersons

WHEREAS, the Town Assessor has recommended settlement of tax certiorari proceedings involving parcels located at 70, 80, 90, 100 and 110 Brandon Woods for prospective reductions in assessment only, and based on such recommendation, the Town Board desires to authorize the settlement of such proceedings; it is therefore

RESOLVED, that a memorandum dated March 12, 2009 from Elaine Ainsworth, Town Assessor, together with a proposed Settlement Agreement attached thereto, concerning the settlement of tax certiorari litigation for parcels located at 70, 80 90, 100 and 110 Brandon Woods, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the proposed settlement of tax certiorari litigation for properties located at 70, 80, 90, 100 and 110 Brandon Woods, and authorizes the Supervisor to execute and deliver a Settlement Agreement by and between the Town and Robert H. Hurlbut and RHH Properties, Inc., which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT :

SANDRA L. FRANKEL,
 Supervisor
 JAMES R. VOGEL
 RAYMOND J. TIERNEY III
 LOUISE NOVROS
 SHEILA A. GADDIS
 Councilpersons

RESOLVED, that correspondence dated March 12, 2009, from Thomas M. Voelkl, Chief of Police, together with a proposed agreement attached thereto, concerning the renewal of a contract for geese control services, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Geese Control of New York for controlling Canada Geese in New York, at a cost of \$625 per month in which services are used, not to exceed \$5,000 for 2009, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
 RAYMOND J. TIERNEY III
 LOUISE NOVROS
 SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated March 20, 2009, from Thomas M. Voelkl, Chief of Police, concerning a grant under the Justice Assistance Grant Program, be received and filed together with a proposed Interlocal Agreement attached thereto; and be it further

RESOLVED, that the Town Board hereby authorizes the acceptance of a grant under the Justice Assistance Grant Program in the amount of \$16, 143, and in connection therewith, authorizes the Supervisor to execute and deliver an Interlocal Agreement by and between the Town and the City of Rochester, which Agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated March 13, 2009 and March 17, 2009, from Thomas A. Low, Commissioner of Public Works, concerning the solicitation of a proposal for the final design for the replacement of the roof at Town Hall and the Town Highway Department Building, and from Paul Tankel, AIA, LEED AP, Principal, Clark Patterson Lee, dated March 23, 2009, be received and filed; and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to solicit a proposal from Clark, Patterson, Lee for the final design of roof repair and replacement at Town Hall and the Town Highway Department.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated March 11, 2009, from Thomas A. Low, Commissioner of Public Works, and correspondence dated March 3, 2009 from Michael P. Storonsky, Senior Associate, Stantec Consulting Services, Inc., both concerning the closure of an underground storage tank serving a generator located at the Public Safety Wing of Town Hall, be received and filed; and be it further

RESOLVED, that in connection therewith, the Town Board hereby authorizes the Supervisor to execute and deliver an agreement by and between the Town and Stantec Consulting Services, Inc. for the professional services associated with closure of an underground storage tank serving a generator located in the Public Safety Wing of Town Hall, including testing of soils to assure that no leaks have occurred, preparation of a specification for tank cleaning and closure, and preparation of necessary reports for compliance with Federal and State environmental law requirements.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
 Supervisor
 JAMES R. VOGEL
 RAYMOND J. TIERNEY III
 LOUISE NOVROS
 SHEILA A. GADDIS
 Councilpersons

RESOLVED, that correspondence dated March 10, 2009, from Thomas A. Low, Commissioner of Public Works, and correspondence dated March 10, 2009, from Ronald J. Rubin, Vice President of GAR Associates, Inc., both concerning a contract for real estate appraisal services, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and GAR Associates, Inc., for appraisal services for the appraisal for tax parcel no. 136.16-2-29.2, at the hourly rates proposed by GAR and for a total cost not to exceed \$4,000 for the summary report, and an additional \$4,000 for a court-ready appraisal, if necessary.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that a memorandum dated March 18, 2009, from Paula A. Parker, Director of Finance, together with an attachment thereto, concerning an agreement with Harris Beach PLLC for Bond Counsel services, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Harris Beach PLLC for Bond Counsel legal services, which agreement shall be in form and substance as may be approved by the Attorney for the Town, and which shall contain the fee schedule as set forth in the above referenced memorandum.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____



PAULA A. PARKER, DIRECTOR OF FINANCE
2300 ELMWOOD AVENUE SUITE 110
ROCHESTER, NEW YORK 14618
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
From: Paula A. Parker, Director of Finance *P²*
Date: March 18, 2009
Subject: Bond Counsel Contract with
Harris Beach PLLC (Pat Magieri)

I recommend that Your Honorable Body authorize the Supervisor to execute a contract agreement with Harris Beach PLLC to provide Professional Legal Services as Bond Counsel to the Town of Brighton.

The term of this engagement will be effective immediately and will remain in effect at the sole discretion of the Town. This agreement may be terminated by the Town or by the Firm at any time.

Said contract service fees will be set at \$.75 per thousand dollars of short-term general obligation indebtedness and \$1.00 per thousand dollars of long-term general obligation indebtedness. In addition, out-of-pocket expenses to include postage, long distance phone calls, overnight shipping, mileage, telecopy, photocopying, courier service, filing fees and similar will be reimbursed.

This contract will replace the contract with Woods Oviatt Gilman LLP and reflects the same rates which have not increased in some time.

I would be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

Copy to: S. Frankel, W. Moehle

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 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons

RESOLVED, that a memorandum dated March 18, 2009, from Paula A. Parker, Director of Finance, concerning the closeout and transfer of funds from three completed capital projects, namely the Fuel Depot, the Elmwood Avenue Sanitary Sewer and the North Landing Improvements Projects, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the closeout of the Fuel Depot Project, to be closed to the Debt Service Fund; the Elmwood Avenue Sanitary Relief Sewer, to be closed to the Debt Service Fund; and the North Landing Improvements Project, to be closed to the Highway Fund.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____



PAULA A. PARKER, DIRECTOR OF FINANCE
2300 ELMWOOD AVENUE SUITE 110
ROCHESTER, NEW YORK 14618
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
Attn.: Finance and Administrative Services Committee
From: Paula A. Parker, Director of Finance
Date: March 18, 2009
Subject: **Close out and Transfer of Funds**
Capital Projects Fund
Fuel Depot (FUELD)
Elmwood Avenue Sanitary Sewer (EASWR)
North Landing Improvements (NLIMP)

I recommend that your Honorable Body approve the close out of these three completed Capital Projects as follows:

Fuel Depot Project to the Debt Service Fund (V)
Elmwood Avenue Sanitary Relief Sewer to the Debt Service Fund (V)
North Landing Improvement funds back to Highway Fund (D)

Above remaining available funds including interest through February 2009 will be transferred to the appropriate fund. The approximate funds in each project are as follows: Fuel Depot \$ 7,835; Elmwood Avenue Sanitary Sewer \$ 10,105; and North Landing Improvement \$6,295. This does not include final post of the interest earned on the remaining funds.

I will be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

Copy to: S. Frankel, T. Low

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 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that a memorandum dated March 18, 2009, from Paula A. Parker, Director of Finance and Louise Novros, Town Board Member, concerning the acceptance of a grant and 2009 budget appropriation for the Clean Sweep Community Program, together with attachments thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby accepts a grant in the amount of \$500 from the Air & Waste Management Association (Genesee Finger Lakes Chapter); and be it further

RESOLVED, that the Town Board hereby approves the budget appropriation required to record the grant for the Clean Sweep Community Program as set forth in the above memorandum.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25 day of March, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

WHEREAS, the Town Clerk has previously received petitions from residents of Ashley Drive, Woodmont Drive and Fairfield Drive, requesting that the speed limits on such Highways be reduced to 25 mph; and

WHEREAS, the Commissioner of Public Works has recommended that the Town Board consider an amendment to the Town Code to reduce the speed limit on such streets to 25 mph, and that the Town Board set a Public Hearing to consider a Local Law to implement such a change; it is therefore

RESOLVED, that correspondence dated March 11, 2009 from Thomas A. Low, Commissioner of Public Works, concerning speed limit reductions, together with the petitions attached thereto; concerning the reduction of speed limits on Ashley Drive, Woodmont Drive and Fairfield Drive, be received and filed; and be it further

RESOLVED, that pursuant to Article III of the Municipal Home Rule Law of the State of New York, a Public Hearing on a proposed Local Law of 2009 entitled 2009 Speed Limit Reduction Local Law, in the form presented to this meeting, be held by the Town Board of the Town of Brighton on the 22nd day of April, 2009 at 7:30 p.m. o'clock prevailing time at Brighton Town Hall, 2300 Elmwood Avenue, in said Town, to consider the proposed Local Law and to hear all persons having and interest therein, and to take such action with respect thereto as may be proper; and be it further

RESOLVED, that notice of the time and place of such Public Hearing, describing the purpose of said Local Law, be published and posted by the Town Clerk, pursuant to Law.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

RESOLVED, that a memorandum dated March 18, 2009 from Thomas A. Low, Commissioner of Public Works, correspondence from Paul R. White, Acting Secretary of the Brighton Tree Council, dated March 11, 2009 and correspondence dated February 16, 2009 from Thomas A. Low, Commissioner of Public Works, all concerning a proposed amendment to the Town's Forestry Plan, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the Amendment to the Town's Forestry Plan, as more fully set forth in the memorandum dated March 18, 2009 from Thomas A. Low, Commissioner of Public Works.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

To: Honorable Supervisor and Town Board
From: Tom Low
3/18/09
Re: Forestry Plan
Amendment for Tree Planting

Background:

The report of the Green Brighton Task Force recognized the value of trees in carbon uptake, and recommended the Town Forestry Plan be amended to encourage more tree planting in parks and along roadsides.

The Town Code (chapter 175, section 5) gives the Town Board the power to review and to revise the Plan.

The Public Works Committee reviewed this proposed amendment at its meeting of January 12, 2009.

The Tree Council reviewed and approved this change at their meeting of March 10, 2009. Copy attached.

The GBTF Steering Committee reviewed and approved this change at their meeting of February 4, 2009. Copy attached.

Proposal:

That the Plan be amended, in the Guidelines chapter and the Tree Planting section, to read:

“The Town is dedicated to maintaining and ~~ideally~~ increasing the Town tree population level. As the Town’s budget allows, all Town trees that are removed shall be replaced. **The Town recognizes the importance of trees in providing both shade and carbon uptake. The Town will inventory sites, in parks and along roads, that may be suitable for the planting of additional trees. The Town will then develop and implement, while considering fiscal realities, a multi-year plan to plant in those sites.**”

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 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated February 20, 2009, from Carmella R. Mantello, Director, New York State Canal Corporation, concerning the extension of grant Contract C100788 for Canalway trail improvements be received, be received and filed, together with attachments thereto; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver Appendix X - No Cost Time Extensions to Contract C100788 by and between the Town and the New York State Canal Corporation, under which the term of the grant contract will be extended from June 30, 2009 through June 30, 2010.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated March 25, 2009, from Susan Kramarsky, Town Clerk, concerning the designation of the Democrat & Chronicle as alternate official newspaper of record for the Town, be received and filed; and be it further

RESOLVED, that the Town Board hereby designates the Rochester Democrat & Chronicle as alternate official newspaper of record for the Town, for the period March 25, 2009 through March 31, 2009.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

- SANDRA L. FRANKEL,
Supervisor
- JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated March 23, 2009, from Douglas S. Clapp, Director of Communications, concerning a donation of a horse trough currently located on property owned by Wegmans Food Markets, Inc. near the intersection of East Avenue and Winton Road, in the City of Rochester, be received and filed, together with a proposed Indemnification Agreement attached thereto; and be it further

RESOLVED, that the Town Board hereby gratefully accepts the donation of a horse trough from Wegmans Food Markets, Inc. and authorizes that the Director of Parks and Recreation make the necessary arrangements to have the trough moved from its current location to Buckland Park; and be it further

RESOLVED, that in connection therewith, the Supervisor is hereby authorized to execute and deliver an Indemnification Agreement by and between the Town and Wegmans Food Markets, Inc., which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

The emergency services that are necessary for this project may create an increase in calls to the police department, Brighton Fire Department and Brighton Volunteer Ambulance.

It was forecasted that *The Reserve* project would generate approximately 119 school-aged children. It is also estimated that the proposed project will result in an increase in demand for active recreation.

The project proposes an exception to the Town of Brighton's Minimum Specifications for Dedication for road dedication to allow a portion of the right-of-way to be less than 60 feet wide, which could reduce the functional ability of the roadway.

The proposed amenities will add operation and maintenance cost to the Town. Of particular concern is the ongoing cost associated with the boat launch along with safe vehicle access to and from Clinton Avenue South.

Mitigation Measures:

- 1) It is anticipated that the demand will not exceed the capacity of the existing water and sanitary sewer facilities. The private grinder pumps will be maintained by either the HOA or homeowner. All sanitary mains and laterals will have a minimum of 4 feet of ground cover and will be designed to all town standards.
- 2) A summary of the infrastructure improvements and schedule of private and public improvements for the project is identified in the FEIS. All utility plans will be reviewed and approved by the Town of Brighton Planning Board, Town Engineer and all other Agencies having authority over project approvals.
- 3) The Project Sponsor proposes the following: Improved connection from South Clinton Avenue to the canal trail, access to Meridian Centre Park , canal trail improvements, non-motorized boat put-in(s) and emergency access improvements, a motorized boat launch, replacement of the existing canal access parking lot on the north side of the canal located off South Clinton Avenue along with improvements for emergency access through the parking lot and along the canal trail into the project site.
- 4) The Town of Brighton Public Safety Committee will review and recommend all emergency access improvements.
- 5) The Project Sponsor will pay all required fees to the Town of Brighton Parkland trust Account T-37 (\$700 per dwelling unit).
- 6) The Project Sponsor will petition to form special assessment districts (e.g. lighting, park, water, sanitary, and sidewalk) that would mitigate the estimated additional costs of municipal services.
- 7) The project will meet all standard and requirements of the Town of Brighton's Minimum Specifications for Dedication except to allow a portion of the right-of-way to be less than 60 feet wide.
- 8) The estimated income from property taxes on the Reserve, being fully taxable, will be \$2,066,630 annually for the Brighton Central School District. The Reserve will provide over \$443,000 annually in new tax revenue to the Town.

Conclusions:

- 1) The increased demand for community services is commensurate to the increased revenues, assuming the project is fully taxable and that the special district charges and mortgage taxes are added.
- 2) The mitigation measures proposed adequately address the identified impacts to community services.

G. Cultural Resources

Description of Impacts:

The construction of this project will cause disturbance to approximately 63 acres of land.

A review was conducted by the Office of Parks and Recreation and Historic Preservation (OPRHP). This report indicates that there are "no properties listed in the State or National Register of Historic Places within or adjacent to the project site".

A Phase 1B Archeological survey has been completed documenting historical aerial photography, soil borings and other pertinent data required by OPRHP.

Conclusions:

- 1) SHPO reviewed the project and issued its opinion that the work will have no adverse effects on cultural resources.

H. Visual Impacts

Description of Impacts:

The development of *The Reserve* will change the visual appearance of the site. There will be a loss of vegetation and placement of structures. The loft building proposed along the canal will be up to 74' in height (5 floors of living space over a parking garage, that will be underground on three sides with enclosed street level auto entrances) and setback a minimum of 136' from the canal trail. The residential structures proposed along the park boundary will a minimum setback of 40 feet and a maximum height of 40'. The proposed grade near the park will up to 12' above the existing grade. The development will also include signage that will change the visual appearance of the site.

Mitigation Measures:

- 1) The Project Sponsor proposes the planting of evergreen trees along portions of the trail in Meridian Centre Park. Landscape buffers are proposed in the DEIS along with alternative plantings along the trail. Buffers are proposed on private property as well as an alternative location along the trail in the park.
- 2) As part of site plan approval process for this project, the architectural materials will be specified. Masonry, wood and other natural materials should be utilized. The style of the architecture and lights should be addressed to the satisfaction of

the Architectural Review Board and the Planning Board during the site plan review process for this project.

- 3) The mitigation measures necessary to screen the visual impact of utilities, meters, mechanicals, trash cans and dumpsters will be identified and discussed. These impacts should be addressed to the satisfaction of the Planning Board during the site plan review process for the project.
- 4) The Planning Board, during the site plan approval process will refine the overall look of the project to be in keeping with the Town of Brighton design standards.
- 5) The proposed loft buildings will be staggered along the canal to reduce the visual impact from the canal. The height of the loft buildings has been reduced to maximum height of 74 feet (5 floors of living space over a parking garage).
- 6) Except for the location, height or changes in setback beyond a small range of the proposed loft buildings, the Planning Board will be allowed to modify the proposed development layout, establish increased building setbacks, buffers and conservation easements areas as part of the site plan review to further mitigate the visual impacts to the town park.
- 7) Signage will be reviewed by the Architectural Review Board and reviewed and approved by the Planning Board.

Conclusions:

- 1) The mitigation measures proposed adequately address the identified impacts to visual impacts.
- 2) The impact of this proposed project is that the site currently is viewed as vacant woodland and grassland and the developments of *The Reserve* would formalize the aesthetics of the site. The element used to buffer the visual impacts is landscaping. *The Reserve* project will cause a change to the visual characteristics of the area.

I. Construction Impacts

Description of Impacts:

Construction related impacts will be temporary. During the construction period, impacts to the adjacent neighborhood are expected to include noise and dust generation, limited impairment to traffic flow associated with construction vehicle traffic, utility extensions and curb cuts, and general visual changes to the site setting.

Mitigation Measures:

- 1) Dust will be monitored daily and suppressed on an as-needed basis with a water truck equipped with sprinklers.
- 2) Erosion and sediment control measures will be established and implemented prior to site clearing in accordance with the NYS Guidelines for Urban Erosion and Sediment Control (USDA SCS). A truck washing station will be set up at the north end of the existing paved driveway to remove dirt and mud from truck

wheels. Crushed stone roads will be placed on the site and watered regularly. Elmwood Avenue will be power swept on a regular basis and as necessary in response to unusual conditions.

- 3) All noise-generating activities will be conducted in compliance with the provisions of the proposed Town of Brighton Noise Ordinance. Noise impacts will be limited to hours of construction allowed by the Town of Brighton. Construction vehicles and equipment will be properly maintained and contain exhaust mufflers in accordance with industry standards.
- 4) A detailed construction-phasing plan will be submitted and subject to review and approval by the Planning Board as part of the site plan review for the project.
- 5) The wetland limits will be staked with erosion control as well as orange construction fence to prevent inadvertent disturbance to the wetland.

Conclusion:

The mitigation measures proposed adequately address the identified construction impacts.

J. Unavoidable Adverse Environmental Impacts

The following impacts cannot be avoided even with the implementation of all proposed mitigation measures:

- 1) Temporary and sporadic traffic delays due to construction of the street connections to existing streets.
- 2) Temporary increases in noise levels and air emissions during construction.
- 3) A change in land use and visual appearance of the site from predominantly grassland to the proposed housing complex and preservation area.
- 4) A small increase in traffic volume on the local roadway network.
- 5) An incremental increase in stormwater pollutant loading.
- 6) Visual impacts from the canal and town park.
- 7) Increased operation and maintenance cost to the Town.

K. Alternatives

The FEIS analyzed the "No Action" alternative, various alternative design and layout scenarios, and the development of the site consistent with the current zoning.

- 1) No-Action Alternative:

No development of the property would leave that land to continue in natural vegetative succession but would not return any revenue to the property owner. This alternative does not meet the stated project purpose to fulfill the market demand for a lifestyle community in close proximity to Rochester, in a quality

community, with quality schools. Nor does it meet the project Objectives and Goals stated in the DEIS. This alternative also is not consistent with the Town Comprehensive Plan, which does propose development. Finally, doing nothing does not build the economic base of the Town.

2) The Proposed Action:

The proposed Action develops primarily a Residential Waterfront District (WD) mixed-use neighborhood over the entire site with a minor mix of commercial use. It is proposed from implementation with public and private streets which requires relief from the Town Code. The Action is also proposed with residential buildings that exceed height and setback requirements included in the WD code. Therefore, relief from the noted WD requirements is needed to implement the proposed Action.

3) Development per the Town Comprehensive Plan consisting of WD development on the southern portion of the site and residential development on the northern portion of the site, public buildings and buildings less than 40 feet tall per WD Zoning Code:

This Alternative considers a project that is somewhat similar to the Proposed Action but does not require Incentive Zoning for relief of various Code provisions. It would resemble a primarily WD commercial community along the canal waterfront, would have all public streets and the areas north of the waterfront would be residential. All buildings would be constructed within the constraints of existing bulk requirements for the WD Zoning Code. This alternative requires no Incentive Zoning action.

Although potentially similar in appearance to the preferred alternative, having a mix of homes and taller buildings, this alternative requires much more surface parking and rooftops. It, too, eliminates the views of expansive existing grasslands similarly to the preferred alternative, perhaps even more than the preferred alternative because the layout includes conservation areas and greenspace interwoven amongst the residences.

This alternative has the potential to offer public parking adjacent to the canal trail, as well as shops and public restrooms. Public car top boat put-ins could be provided amidst the public spaces near the trail. However, the topography of the tall canal embankment is not conducive to construction of a motorized boat launch, which is possible at another off site location.

This alternative differs programmatically from the Proposed Action, which was developed in response to a market study prepared for the Project Sponsor that reveals a healthy market for this type of development, as well as a transportation study prepared for the Town that presents a rationale not to extend a transportation corridor through the project area. Consequently, without thru-traffic between South Clinton Avenue and Winton Road, the success of this alternative is questionable.

Theoretically, this alternative could be designed in a manner that achieves many of the project goals. However, there are drawbacks with respect to benefits such as:

- With public streets, the cost of maintenance and repairs would be borne by the citizens of Brighton rather than only by the citizens participating in the HOA.
 - Since this alternative would not require Incentive Zoning, there would be no amenities offered by the Project Sponsor to receive incentives, and the community would lose the opportunity for better offsite canal access and improved trails.
 - This alternative requires an extension of Meridian Centre Boulevard, which was shown to be unnecessary, based on the *Meridian Centre Boulevard Extension Study*, and has not been considered a popular option by those who wish to protect the park.
 - This alternative, with the expansion of surface parking, is potentially more difficult to mitigate with respect to stormwater, thermal effects, and visual impacts.
- 4) Developing primarily Residential WD mixed-use development with a minor mix of commercial use, with public streets and loft buildings less than 40 feet tall (requiring relief from WD use):

This Alternative considers a project more similar to the Proposed Action than the alternative discussed in number three above by recognizing that primarily residential land use is necessary since it is unlikely that Meridian Centre Boulevard will be extended, which is needed to support commercial development. And, theoretically this alternative could be designed in a manner that achieves many of the project goals.

This alternative proposes a traditional neighborhood that is open to the public 24 hours a day, 7 days a week. It also proposes that all buildings on the site remain lower than the 40 feet maximum stated in the WD Code. Opening the neighborhood to the public permits portions of the neighborhood to be used for public canal access. By maintaining lower heights, none of the buildings would be notably more visible than any of the other buildings. Multi-family dwellings would appear not much taller than single-family residences. The same density as the proposed action could be provided by spreading out the number of dwellings per acre and limiting buildings to three stories in height.

However, there are drawbacks with respect to achieving many of the project goals if the streets are public and buildings are designed at 40 feet or less:

- With public streets, the cost of maintenance and repairs would be borne by the citizens of Brighton rather than only by the citizens participating in the HOA.
- With public streets, public trail access and car top boat launching would be located within an otherwise residential neighborhood.
- Since this alternative would require less relief of bulk requirements through Incentive Zoning, the Project Sponsor would offer fewer amenities than with the Proposed Action. Therefore, the community

would lose some opportunity for better off site canal access, improved trails, and improved access into Meridian Centre Park.

- Lower buildings could require more land to maintain the same density with fewer levels of housing in the lofts. Consumption of more land means less land would be preserved for habitat and green space.
- Creating a homogeneous neighborhood of buildings that all appear to be the same does little to create a “unique opportunity” for housing.

- 5) Developing primarily Residential WD mixed-use development with a minor mix commercial use, with public streets and loft buildings with a height exceeding 40 feet tall (requiring relief from WD use, length of cul-de-sac, and height restriction):

This Alternative also considers a project more similar to the Proposed Action than the alternative discussed in number three above, by recognizing that the requested land use as primarily residential is necessary and that increased height of buildings equates to more land left for open space and a unique housing opportunity. This neighborhood would be open to the public 24 hours a day, 7 days a week. Opening the neighborhood to the public permits portions of the neighborhood to be used for public canal access.

Although this alternative is similar in land use and building height to the proposed action, public streets could translate to potential drawbacks for Brighton citizens:

- With public streets, the cost of maintenance and repairs would be borne by the citizens of Brighton rather than only by the citizens participating in the HOA.
- Since this alternative would require less relief of bulk requirements through Incentive Zoning, the Project Sponsor would offer fewer amenities than with the Proposed Action. Therefore, the community would lose some opportunity for better off site canal access, improved trails, and improved access into Meridian Centre Park.

- 6) Developing primarily Residential WD mixed-use development with a minor mix of commercial use, with private streets and loft buildings with a height not exceeding 40 feet tall (requiring relief from WD use):

This Alternative considers a project much more similar to the Proposed Action than any of the other alternatives discussed above, by recognizing that the requested land use as primarily residential is necessary and private streets are essential to meet the market demand for an affluent lifestyle community. It also proposes that all buildings on the site remain lower than the 40 feet maximum stated in the WD Code. By maintaining lower heights, none of the buildings would be notably more visible than any of the other buildings. Multi-family dwellings would appear not much taller than the single-family residences. The same density as the proposed action could be provided by spreading out the number of dwellings per acre and limiting buildings to three stories in height.

However, limiting building height to 40 feet could pose drawbacks for Brighton citizens:

- Lower buildings could require more land to maintain the same density with fewer levels of housing in the lofts. Consumption of more land means less land would be preserved for habitat and green space.
- Creating a homogeneous neighborhood of buildings that all appear to be the same does little to create a “unique opportunity” for housing.
- Since this alternative would require less relief of bulk requirements through Incentive Zoning, the Project Sponsor would offer fewer amenities than with the Proposed Action. Therefore, the community would lose some opportunity for better off-site canal access, improved trails and improved access to Meridian Centre Park.

7) Sub-alternative for Emergency Access Using Canal Paths:

Per the Meridian Centre Boulevard Extension Study commissioned by the Town of Brighton earlier in 2007, two routes are suggested as alternative routes for emergency access if the project area is developed without a thru-traffic connection between South Clinton Avenue and Winton Road. One possibility is the use of the Erie Canal trail along north side of the canal, from the parking lot west of South Clinton Avenue to the property planned for *The Reserve*. The other route could be comprised of portions of the trail network in Meridian Centre Park. Both routes would be used only as needed for emergencies, and both routes would require physical improvements before emergency vehicles any larger than perhaps a Police cruiser or an ambulance could use them.

For the purpose of the proposed Action under consideration, the route that utilizes the canal trail appears to be the most feasible choice as it does not introduce traffic into the neighboring park. The physical improvements are discussed in greater detail in the portions of the DEIS and FEIS that apply to the canal access parking lot improvements as these areas include the portion of the canal trail that would require safety improvements. A route that utilizes the canal trail access along the east side of South Clinton Avenue was not investigated beyond a concept level as it would require substantial embankment modifications and can not easily be modified to accommodate emergency vehicles approaching from the south.

L. Irreversible and Irretrievable Commitment of Resources

Development of *The Reserve* will cause the commitment of land, energy, building materials, and economic resources as described below. Construction of the project and future operation of the facilities will involve conversion of land from fallow pasture (grassland) to a planned residential community. Although more than 50 percent of the land is planned as open space, the portions of the site that will be developed with buildings and pavement will be irretrievably committed for the foreseeable future.

Construction of the project will also require irretrievable commitment of building materials, supplies and energy involved with construction, operation and maintenance of the facilities and associated utilities. The applicant has determined that all homes will be constructed to Energy Star standards. In addition, building construction will adhere to National Association of Home Builders (NAHB) model green home building guidelines. Building a development that meets these standards reduces future demand on energy

resources and in the words of the Green Brighton Task Force, reduces the "Carbon Footprint" for this development. The fact that this project encourages walk to work lifestyles also reduces resident dependence on automobiles.

IV. Social, Economic and Other Considerations

The proposal, together with the proposed amenities, will assist the Town in implementing the specific physical, cultural, and social policies of the Town's 2000 Comprehensive Plan:

- Provision of open space linkages and development of Town parklands.
- Enhancement of the Town as a residential community.
- Development of a balance in the type and cost of residential development and the provision of housing options that will meet the shelter needs of the current population.
- The project adds facilities and improvements to the Town's recreational system.
- Promotion of land uses adjacent to the canal that support canal path use for active and passive recreation. Provides linkage to other open areas and communities via the canal path.

Any unmitigated environmental impacts will be offset by the benefit of the offered amenities to the Town and additional amenities required to address the lack of affordable housing identified previously in Section E. Land Use and Zoning.

Certification of Findings:

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

- 1) The requirements of 6NYCRR Part 617 have been met;
- 2) Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and;
- 3) Consistent with social economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigation measures which were identified as practicable.

**SCHEDULE C-1
INITIAL CONDITIONS**

1. That, prior to the amendment of the Zoning Map of the Town for the Site, the Applicant will execute an agreement with the Town for the design and construction of certain improvements to the Canalway Trail from the eastern property line of the Site west to the City line, as described in the grant agreement between the Town and the Canal Corporation (#C100788, dated 3/12/07) and in Appendix C, page 5 of the FEIS. The Agreement shall provide for the payment by the Applicant of all of the costs of the referenced improvements, net of the grant proceeds, and shall be subject to the approval of the Attorney to the Town as to form.

Concurrently, the Applicant shall furnish a letter of credit (in a form and by an entity as approved by the Town) in the amount of \$290,050, which represents the current, estimated cost of the local share of these improvements.
2. That, prior to the amendment of the Zoning Map of the Town for the Site, the Applicant shall make a contribution of \$290,000 to the Parkland Trust Fund of the Town, representing the amount formerly offered for construction of a boat launch and now to be used by the Town for other park improvements.

SCHEDULE C-2

CONDITIONS

1. That, prior to the issuance of any building permit for construction on the Site, the Applicant will convey, or will cause to be conveyed, to the Town , easements in perpetuity for the purposes of :

- a] maintaining a multi-use trail and of allowing public access to (and parking for) said trail. Said easement shall be approved as to form by the Town Attorney. Said easement shall be along Mays Point Trail East from Bridgewater Rise to the easterly cul-de-sac, and thence east to the park trail below the Canal trail, shall be a minimum of twenty feet (20') wide, shall include the non-exclusive use of up to five(5) parking spaces as designated by the Planning Board, and shall be aligned as approved by the Planning Board during Site Plan review.
- b] conservation, after construction, of a minimum of a 25'-wide strip, generally along the eastern boundary of the site. The boundaries of said easement shall be as approved by the Planning Board during Site Plan review.
- c] allowing public access to and along a trail located between the Oneida Pass and the Jefferson Hill neighborhoods and connecting Bridgewater Rise to Meridian Centre Park. The trail alignment and easement width shall be set by the Planning Board during site plan review. The construction and maintenance of this trail shall be at the Applicant's expense.
- d] conservation of the remaining wetlands on the site , as described in drawing 7 of the FEIS.

- e) allowing permanent emergency access, and temporary public access, to and along a trail located between the clubhouse and the Frankfort Loft building and connecting Bridgewater Rise to the Canalway trail. The trail alignment and easement width shall be set by the Planning Board during site plan review. The construction and maintenance of this trail shall be at the Applicant's expense.

2. That, prior to the issuance of any final certificate of occupancy for the Champlain or the Blackrock buildings on the Site, the Applicant will construct, or will cause to be constructed, a paved on-street parking area and a stone dust multi-use trail of at least 10' in width, centered within the easement described in #1(a) and meeting the specifications of the Town.

3. That the approval, if granted, of the final Site Plan for the Site shall be conditioned upon the compliance by the Applicant, its successors and assigns with any applicable requirements of the U.S. Army Corps of Engineers and the New York State Department of Environmental Conservation (NYSDEC) concerning wetland disturbance, concerning the quantities of storm drainage to be discharged to the wetlands, and concerning the quality of the storm drainage waters.

4. That, in addition to any other required approvals, all exterior sides of all structures to be constructed on the Site as shown on the Plan shall be subject to the approval of the Architectural Review Board of the Town of Brighton, as provided in the CDR and the Findings Statement.

5. That any subdivision of the Site, and any site plan for lots on the Site, 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. Said site plan for the Site shall include a detailed landscaping plan, signage plan and a detailed lighting plan.

6. That the Site shall only be developed in accord with the site plan as approved by the Planning Board, with the DEIS, with the FEIS and with the Findings Statement adopted by the Town Board on February 25, 2009, except that:

a] the loft buildings and club house shall be located and oriented generally as shown on Figure 4A (the Concept Site Plan) of the FEIS;

b] the site shall be developed for between 314 and 327 residential units;

c] that Mays Point Trail East and West shall not be offered for dedication to the Town, and shall be designed with an easement width of less than forty nine feet, unless the Planning Board and the Applicant mutually agree that a street layout with a dedicated roadway is advantageous to the public and to the residents;

And, d] that Bridgewater Reserve, Bridgewater Rise, Little Falls, Oneida Pass and Jefferson Hill shall be mapped, designed and constructed so as to be suitable for dedication to the Town.

7. Prior to the issuance of each building permit for each residence on the Site, the Applicant shall make the payment of \$700 per unit to the Parkland Trust Fund, as required by section 277 of the Town Law and by the Town Board's 1997 resolution.

8. That, prior to the issuance of any building permit for the Site, the Applicant shall execute an agreement with the Town for the Applicant's support of an affordable housing program, selected by the Town and off of the Site. Said agreement shall require a contribution of \$31,000 per year over five years (\$155,000 total) by the Applicant, and shall be of a form as approved by the Attorney for the Town.

9. That, prior to the issuance of any permit for the Site, and if the Planning Board directs that such plantings be made, the Applicant, on behalf of itself, its successors and assigns, shall execute an agreement with the Town for the planting and perpetual maintenance of landscaping, planted by the Applicant or its agents, within the easement area and within the Town park property on the boundary of the Site and the Town park property. The specifications for the planting, the selection of the plant materials and the location of these plantings shall be as approved by the Planning Board during site plan review.

10. That, prior to the issuance of any building permit for the Site, the Applicant shall make a contribution of \$25,000 to the Parkland Trust Fund of the Town, representing the estimated cost of a picnic pavilion to be constructed in Meridian Centre Park.

11. That, prior to the issuance of any certificate of occupancy for the Site, the Applicant (or its agents) shall have secured all necessary permits for, and have satisfactorily completed (per the approved plans and specifications) the construction of, the following improvements

- a] a redeveloped canal access parking lot, as more particularly described on Table 6 and Figure 2d of the FEIS;
- b] improvements to raise the profile of the existing stone dust trail by up to one foot over up to 200 LF, downstream in the southwest corner of Meridian Center Park, as described in Table H of the FEIS.;

- c]___the surface treatment of, and re-striping to a 3-lane section of, S. Clinton Ave. between Sen. Keating Blvd. and Brighton-Henrietta Town Line Rd., as described in Chapter 4, section B of the DEIS;
- e] the construction of the trailhead parking and connecting trail from Mays Point Trail to connect to the Town Park trail;
- and, f] the construction of a second means of emergency access to the Site, generally as described in Figure 2F of the FEIS and as more particularly required by the Town Engineer and the Fire Marshal.

The plans and specifications for all of the improvements described in this section 11 shall be subject to the review and approval of the Town Engineer.

12. That, prior to the issuance of any permit for the Site, the Applicant shall furnish a letter of credit (in a form and by an entity as approved by the Town) in the amount of \$400,000, which represents the current, estimated cost of the improvements described in section (11), above.

13. That , prior to the issuance of any permit on the Site, the Applicant execute and submit petitions for, and continue to consent to, the formation of a Park District and of a Lighting District (as per the procedures described in Article 12 of the Town Law), encompassing the entire Site and providing for the maintenance, at the sole cost of the Districts, of the improvements described in sections C-1(1) [the Canalway Trail improvements], and C-2(11)(e)[the trail and trail parking] , above.

14. That, prior to the issuance of any permit for the Site, the Applicant will execute and deliver a standby PILOT agreement. Said agreement shall provide for the continued payment by the Applicant and/or its successors and/or assigns_of all mortgage, Town and School District property taxes, even if the project is acquired by a tax-exempt entity or granted other tax exemptions.
15. That no commercial uses will be permitted on the Site. The clubhouse shall be owned and controlled by the homeowners association, and shall be used only by residents and their guests.
16. That any disturbance of the_steep slope_environmental protection overlay district, and/or of the watercourse environmental protection overlay district shall be subject to the approval of the Planning Board.
17. That, prior to the issuance of any permit for the Site, the Applicant shall furnish a letter of credit to the Town to guarantee the proper construction and operation of the stormwater ponds, as described in the stormwater management plan and the FEIS. The amount and form of the letter of credit shall be subject to the approval of the Town Engineer.
18. That the Applicant, its successors and assigns are not in default of any of its obligations under any of the agreements with the Town.
19. That the conditions set forth herein may be altered, modified and/or removed only upon written consent of the Town Board of the Town of Brighton and the Applicant.
20. That any agreements, required to be executed under the terms of these Conditions, shall be in a form as may be approved by the Attorney for the Town.

21. That, if any or one or more of the conditions or requirements or any portion thereof which are set forth in this Resolution are determined by a Court of competent jurisdiction to be contrary to law, such condition or requirement, or portion thereof, shall **NOT** be deemed and construed to be severable from the remaining conditions and requirements which are herein contained and **SHALL** affect the validity of the entire Resolution and the validity of the remaining conditions and requirements, or portions thereof.

wpdata\ReserveSchedC

SCHEDULE D-1
INITIAL INCENTIVES

1. That, upon the satisfaction of both conditions listed in schedule C-1, the Site be rezoned to Waterfront Development District (WD), with a maximum density of 5.2 dwelling units per acre across the entire Site, without any commercial and office uses, and that the zoning map of the Town be amended to reflect this.

SCHEDULE D-2
INCENTIVES

1. That, within this Zoning District and within the proposed Project, residential uses will occupy 100% of the Site (and, therefore, 100% of the Canal frontage) and that upper floors on the loft buildings may have only residential uses. No commercial or office uses will be permitted.
2. Permitted accessory uses within this Zoning District shall include a tennis court and putting green. A clubhouse and a welcome center shall be conditionally permitted as accessory uses in this District, and be subject to review and approval by the Planning Board pursuant to Chapter 217, article II of the Code.
3. 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.
4. That the proposed clubhouse may have a maximum height of up to 35 feet.
5. That the Comprehensive Development Regulations ("CDR") of the Town are amended as follows for the Site:
 - a) That cul de sacs of up to 1,600 feet be permitted on each of the proposed Bridgewater Rise, Jefferson Hill and Mays Point East (rather than the five hundred feet permitted by the CDR);
 - b) A maximum lot coverage of up to 91 % will be permitted for the loft buildings;
 - c) That site plan reviews of the proposed detached, single-family lots may be conducted on a neighborhood, rather than a lot-by-lot basis, provided that all information as required in Chapter 217, Article III of the Code is provided at the time of the "neighborhood" application;
 - d) ~~That the maximum lot coverage for each lot occupied by a detached, single family home shall not exceed sixty percent (60%); and,~~
6. That the maximum height of each of the detached, single-family homes shall not exceed thirty feet (30').
7. That a variance be approved to the minimum specifications for dedication, to allow Bridgewater Rise to have a R.O.W. width of as little as 50'.
8. That the minimum lot sizes, and the maximum livable floor areas, shall be as follows for the neighborhoods on the Site:

Brewerton: lots of no less than 6,000 SF, with a maximum livable floor area of 3,500 SF;
Fort Plains: lots of no less than 8,000 SF, with a maximum livable floor area of 3,500 SF;
Waterford: lots of no less than 12,000 SF, with a maximum livable floor area of 6,000 SF.

Larger minimum lot sizes, and smaller maximum livable floor areas, may be reasonably required by the Planning Board.

8. That neighborhood identification and building identification signs shall be permitted on the Site. Said signs shall not exceed the sizes shown on Figure 4C of the FEIS, ~~and~~ . **The size and configuration of the signs** may be reduced **or altered** as reasonably required by the Planning Board. Said signs shall be reviewed, modified and approved (if appropriate) pursuant to chapter 207, section 29 of the Code.
9. That the Town will permit, on the land owned by the Town, planting and maintenance of a landscape buffer, but only in accordance with the Findings Statement and the site plan (as approved by the Planning Board), only in accordance with the terms and conditions of an agreement between the Town and Applicant , and only after an irrevocable letter-of-credit, to secure the proper restoration and maintenance, has been posted by the Applicant in an amount as established by the Town Engineer.
10. That the fire access proposed along the Canalway Trail may be constructed to a width as reasonably required by the Fire Marshal and Town Engineer, rather than the 25 feet required in Chapter 73, section 23.
11. That all improvements on the Site shall otherwise comply in all other respects with the requirements of the Comprehensive Development Regulations.
12. That the incentives and conditions set forth herein may be altered, modified and/or removed only upon written consent of the Town Board of the Town of Brighton and the Applicant. **Variances from the bulk requirements contained in item 7 of this schedule D-2, and the setback requirements as established by the Planning Board during site plan review (pursuant to chapter 203, section 172(b)), shall be reviewed by the Zoning Board of Appeals pursuant to Chapter 219 of the CDR.**



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

March 18, 2009

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

RE: Planning Board comments on the Final Environmental Impact Statement and project plans for the "Reserve at Brighton"

Honorable Board Members:

The Planning Board at its meeting held March 18, 2009, reviewed the Final Environmental Impact Statement (FEIS) and project plans for the "Reserve at Brighton" and has the following comments:

1. The project plans, as contained in the FEIS, illustrate inadequate buffering and conservation easement between the development and the adjacent town park. Based on the proposed plan, the Planning Board can not make positive findings that impacts have been mitigated to the maximum extent practicable, as required pursuant to SEQRA. To further mitigate the impacts to the town park, the Planning Board should be allowed to modify the proposed development layout, establish increased building setbacks, increased buffers and conservation easement areas along the park boundary as part of the site plan approval process.
2. Planting of the trees within the Town Park to mitigate the visual impacts of the project is not recommended. The visual impacts of the project should be mitigated on-site with an increased buffer and conservation area enhanced with densely planted landscaping. The Board is concerned that if this is not done, the area between the residential properties and the proposed tree plantings will be used as residential rear yards and will become a de facto extension of the proposed project.
3. The Planning Board requests the flexibility to alter the placement and orientation of the loft buildings. The Planning Board is still concerned about the orientation and configuration of the loft buildings along the canal frontage. The Board finds this aspect of the project to be inconsistent with the green, relatively natural appearance in the immediate area and the relation of buildings to the Canal in other nearby developments. The height reduction of the proposed loft buildings is an improvement, but the Board

believes that the orientation of the loft buildings could be further modified to better address the impacts to the canal and surrounding area. Also, the visual impacts of the loft buildings are greatly mitigated by the existing vegetation to be retained along the canal. The Planning Board is concerned that the NYS Canal Authority may allow this vegetation to be removed in the future, leaving the visual impacts of the loft buildings unmitigated. An alternative landscape plan for on-site mitigation should be prepared to address this possibility.

4. The proposed setbacks and other area requirements are too permissive. These requirements should be reviewed and established during site plan approval process, as provided for under the Waterfront Zoning district regulations. The currently proposed bulk/area requirements would preclude the Planning Board from making positive finding pursuant to SEQRA.

5. The Planning Board has concerns about the requested incentive for coverage. Based on the information presented in the FEIS, a 3-story 6,300 square foot house could be built on a 6,000 square foot lot, a 3-story 9,600 square foot house could be built on an 8,000 square foot lot and a 3-story 23,400 square foot house could be built on a 12,000 square foot lot. It is recommended that the maximum livable floor area regulations found in CDR Section 205-2 be required for the proposed single-family homes. Section 205-2 would allow a 2,250 square foot house to be built on a 6,000 square foot lot, a 2,364 square foot house to be built on an 8,000 square foot lot and a 2,592 square foot house to be built on a 12,000 square foot lot.

6. The Board has concerns about the interior lot and road orientation of the project (i.e. town homes located east of the loft building, and on Colden Glen South, south of the proposed storm water facility). These concerns may be able to be addressed with site plan modifications.

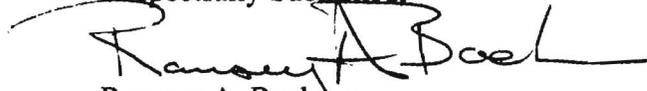
7. The applicant has thus far failed to adequately address impacts and mitigation measures for affordable housing in the FEIS. Please see the attached letter from Ramsey Boehner to Honorable Town Board, dated June 23, 2008 for previous comments and concerns regarding affordable housing.

8. In the FEIS the applicant requests an incentive to be relieved from obtaining site plan approval for individual lots. The Planning Board does not object to the applicant applying for Site Plan approval for all lots within a neighborhood under one application provided all information required under CDR, Chapter 217, Article III, Approval of Site Plans is submitted for each lot (i.e. first floor elevation, driveway locations, grading, utility location, building location, paved areas, landscaping, easements, setbacks and other dimensional information). If granted, the incentive should not limit the Planning Board's ability to request additional information necessary to carry out the purpose and intent of Chapter 217.

9. The FEIS notes that the applicant has removed the vehicle gate from the entrance of the project and that the general public will be permitted access through the site. This is especially important in an area that is supposed to provide public access to the canal per the recommendations of the Town' Comprehensive Plan and is also consistent with existing development within the Town.

10. The Board recommends that the incentive zoning and rezoning approvals, if granted, do not include any commitment regarding the site plan layout or any commitment regarding approval of the proposed overall density, except as a maximum limit.

Respectfully Submitted,



Ramsey A. Boehner
Executive Secretary
Planning Board

attachment



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

June 23, 2008

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

RE: Planning Board comments on the Draft Environmental Impact Statement for the
"Reserve at Brighton"

Honorable Board Members:

The Planning Board at their meeting held June 18, 2008, reviewed the Draft Environmental Impact Statement (DEIS) for the "Reserve at Brighton" and has the following comments:

1. The DEIS illustrates an inadequate buffering between the development and the adjacent Town nature park. It is recommended that a conservation easement with a minimum width of 50 feet be provided along the park boundary. A 75' building setback from the park boundary is also recommended. The board recommends that all proposed minimum building setbacks from the park boundary and all conservation areas be subject to conservation easements and deed restrictions.
2. This proposal appears to fall short of the Comprehensive Plan recommendations for this area in terms of public access. The project is proposed as a gated community with no public access at the site. It is inconsistent with existing development in the Town to have a gated community, especially in an area that is supposed to provide public access to the canal per the recommendations of the Town's Comprehensive Plan. The applicant has not demonstrated in the DEIS that a gated community is needed to meet the marketing goals for the project.
3. The applicant has not adequately illustrated in the DEIS the visual impacts to the canal and the canal path resulting from the loft buildings. The Board requests the flexibility to alter the placement, orientation, and architectural feature of the buildings during the site plan review process. To assist in this review, it is requested that the FEIS include photo simulations of the project during the winter months with and without any proposed mitigations. The simulations should be taken from the following locations:

- Canal trail in front of the loft buildings at various locations

- Canal trail in front of the area to be cleared for the clubhouse toward the loft buildings
- Trail leading from the canal trail to the Town nature park toward the loft building
- Town park nature trail closest to the eastern lot on Jefferson Hill, eastern lot on Oneida and the eastern town homes.
- Town park woodchip nature trail closest to the northern lot on Jefferson Hill

The photo simulations for the single family and town homes should be set at the proposed minimum 20' rear setback and at the max. 40' height.

4. The applicant has failed to evaluate the impacts and mitigations for affordable housing in the DEIS as specifically required by the DEIS scope. In accordance with the Comprehensive Plan recommendations, it is important that residential development of the remainder of developable land in Brighton encourages and promotes a balance in the type and cost of residential development, along with providing a set-aside for affordable housing units.

5. In evaluating the impacts of the project as proposed on affordable housing goals of the Comprehensive Plan, the FEIS should evaluate pertinent factors, including but not limited to: the project's consumption of a large portion (approximately 62 acres) of the relatively small amount of remaining space available in the Town for new residential development; the target demographic for the project is "households of 45-65 year old professional and/or empty-nesters and/or move-downs, with annual incomes of \$150,000 or more" (DEIS, at 190); households with incomes of \$150,000 or more accounted for only 5.0% of the households in the project's target market area, the Rochester Metropolitan Statistical Area (MSA), in 2006 (DEIS App. C.7 Market Study, at 21); the present and projected growth in demand for housing options in the Town of Brighton that are affordable to households with the median household income, and with 80% of the median household income, in the Rochester MSA; the price of the lowest-priced units for the project are presently projected to start at \$275,000; based on the "Table 2-Market Study Recommended Product Program Chart "which was used as the basis for the housing types and density proposed for this Action" (DEIS, at 19), the FEIS should contain a chart using the same format but specifying the product type, number of units, size range and projected base price range for each type of residential unit that is actually proposed for the project; the DEIS Market Study (C.7, at 15), charts the annual number and average price of existing home sales in the Rochester MSA for the years 2003-2006 (\$139,138 for 2006); the FEIS should contain an updated chart of the number of sales and average price of sales of homes through 2007, broken down into existing homes and new home sales for each of the Town of Brighton and the Rochester MSA markets.

7. In evaluating the mitigation of the project's adverse impacts on the affordable housing goals set forth in the Comprehensive Plan, the FEIS should evaluate a reasonable range of potential approaches to mitigation, including but not limited to: setting aside a portion of the project site for affordable housing; setting aside for affordable housing some portion of the proposed CityGate development that is located within the Town of

Brighton; obtaining or setting aside for affordable housing some other suitable land in the Town of Brighton; by consulting with experts on the development of affordable housing developments, such as Providence Housing, Rural Opportunities, Conifer Realty or others, describe how state, federal and charitable grants, low-interest loans and mortgages, and tax credits can be used to make it feasible to develop affordable housing within the set aside areas described above; and factor into each mitigation measure the impacts on the real property tax base for the Town, school and service districts.

8. The applicant did not address the monetary value of the proposed incentives (especially the increase of density) in the DEIS. These values should be presented and discussed in the FEIS.

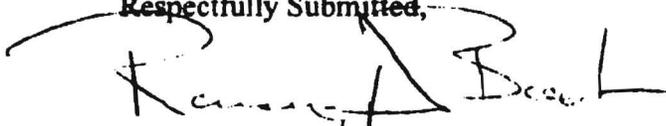
9. The applicant has not addressed the drainage impacts to the Town nature park and adjacent Meridian Centre Park in the DEIS, as specifically required in the DEIS scope. Mitigation of the impacts may result in design change, loss of density and off-site drainage improvements.

10. The Board has concerns about the interior lot and road orientation of the project. These concerns may be able to be addressed with site plan modifications.

11. The Board recommends that the incentive zoning and rezoning approvals, if granted, do not include any commitment regarding the site plan layout or any commitment regarding approval of the proposed overall density, except as a maximum limit.

The Planning Board requests that all of the foregoing comments be addressed in the Final Environmental Impact Statement.

Respectfully Submitted,



Ramsey A. Bohner
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 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated March 23, 2009, from Douglas S. Clapp, Director of Communications, concerning the solicitation of bids for video equipment, be received and filed; and be it further

RESOLVED, that the Director of Communications is hereby authorized to solicit bids for the purchase of video equipment to be used for cable television operations.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

March 25, 2009

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>341,961.93</u>
D - HIGHWAY		<u>96,934.46</u>
H - CAPITAL		<u>400,802.77</u>
L - LIBRARY		<u>32,104.80</u>
SF - FIRE DIST		<u>574.25</u>
SK - SIDEWALK DIST		<u>456.43</u>
SL - LIGHTING DIST		<u>840.01</u>
SS - SEWER DIST		<u>58,406.31</u>
TA - AGENCY TRUST		<u>24,841.67</u>
	TOTAL \$	<u>956,922.63</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 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
 Supervisor
 JAMES R. VOGEL
 RAYMOND J. TIERNEY III
 LOUISE NOVROS
 SHEILA A. GADDIS
 Councilpersons

WHEREAS, the Town Assessor has recommended settlement of tax certiorari proceedings involving parcels located at 70, 80, 90, 100 and 110 Brandon Woods for prospective reductions in assessment only, and based on such recommendation, the Town Board desires to authorize the settlement of such proceedings; it is therefore

RESOLVED, that a memorandum dated March 12, 2009 from Elaine Ainsworth, Town Assessor, together with a proposed Settlement Agreement attached thereto, concerning the settlement of tax certiorari litigation for parcels located at 70, 80 90, 100 and 110 Brandon Woods, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the proposed settlement of tax certiorari litigation for properties located at 70, 80, 90, 100 and 110 Brandon Woods, and authorizes the Supervisor to execute and deliver a Settlement Agreement by and between the Town and Robert H. Hurlbut and RHH Properties, Inc., which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT :

SANDRA L. FRANKEL,
 Supervisor
 JAMES R. VOGEL
 RAYMOND J. TIERNEY III
 LOUISE NOVROS
 SHEILA A. GADDIS
 Councilpersons

RESOLVED, that correspondence dated March 12, 2009, from Thomas M. Voelkl, Chief of Police, together with a proposed agreement attached thereto, concerning the renewal of a contract for geese control services, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Geese Control of New York for controlling Canada Geese in New York, at a cost of \$625 per month in which services are used, not to exceed \$5,000 for 2009, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
 RAYMOND J. TIERNEY III
 LOUISE NOVROS
 SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated March 20, 2009, from Thomas M. Voelkl, Chief of Police, concerning a grant under the Justice Assistance Grant Program, be received and filed together with a proposed Interlocal Agreement attached thereto; and be it further

RESOLVED, that the Town Board hereby authorizes the acceptance of a grant under the Justice Assistance Grant Program in the amount of \$16, 143, and in connection therewith, authorizes the Supervisor to execute and deliver an Interlocal Agreement by and between the Town and the City of Rochester, which Agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated March 13, 2009 and March 17, 2009, from Thomas A. Low, Commissioner of Public Works, concerning the solicitation of a proposal for the final design for the replacement of the roof at Town Hall and the Town Highway Department Building, and from Paul Tankel, AIA, LEED AP, Principal, Clark Patterson Lee, dated March 23, 2009, be received and filed; and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to solicit a proposal from Clark, Patterson, Lee for the final design of roof repair and replacement at Town Hall and the Town Highway Department.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated March 11, 2009, from Thomas A. Low, Commissioner of Public Works, and correspondence dated March 3, 2009 from Michael P. Storonsky, Senior Associate, Stantec Consulting Services, Inc., both concerning the closure of an underground storage tank serving a generator located at the Public Safety Wing of Town Hall, be received and filed; and be it further

RESOLVED, that in connection therewith, the Town Board hereby authorizes the Supervisor to execute and deliver an agreement by and between the Town and Stantec Consulting Services, Inc. for the professional services associated with closure of an underground storage tank serving a generator located in the Public Safety Wing of Town Hall, including testing of soils to assure that no leaks have occurred, preparation of a specification for tank cleaning and closure, and preparation of necessary reports for compliance with Federal and State environmental law requirements.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
 Supervisor
 JAMES R. VOGEL
 RAYMOND J. TIERNEY III
 LOUISE NOVROS
 SHEILA A. GADDIS
 Councilpersons

RESOLVED, that correspondence dated March 10, 2009, from Thomas A. Low, Commissioner of Public Works, and correspondence dated March 10, 2009, from Ronald J. Rubin, Vice President of GAR Associates, Inc., both concerning a contract for real estate appraisal services, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and GAR Associates, Inc., for appraisal services for the appraisal for tax parcel no. 136.16-2-29.2, at the hourly rates proposed by GAR and for a total cost not to exceed \$4,000 for the summary report, and an additional \$4,000 for a court-ready appraisal, if necessary.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor
JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that a memorandum dated March 18, 2009, from Paula A. Parker, Director of Finance, together with an attachment thereto, concerning an agreement with Harris Beach PLLC for Bond Counsel services, be received and filed; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and Harris Beach PLLC for Bond Counsel legal services, which agreement shall be in form and substance as may be approved by the Attorney for the Town, and which shall contain the fee schedule as set forth in the above referenced memorandum.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____



PAULA A. PARKER, DIRECTOR OF FINANCE
2300 ELMWOOD AVENUE SUITE 110
ROCHESTER, NEW YORK 14618
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
From: Paula A. Parker, Director of Finance *P²*
Date: March 18, 2009
Subject: Bond Counsel Contract with
Harris Beach PLLC (Pat Magieri)

I recommend that Your Honorable Body authorize the Supervisor to execute a contract agreement with Harris Beach PLLC to provide Professional Legal Services as Bond Counsel to the Town of Brighton.

The term of this engagement will be effective immediately and will remain in effect at the sole discretion of the Town. This agreement may be terminated by the Town or by the Firm at any time.

Said contract service fees will be set at \$.75 per thousand dollars of short-term general obligation indebtedness and \$1.00 per thousand dollars of long-term general obligation indebtedness. In addition, out-of-pocket expenses to include postage, long distance phone calls, overnight shipping, mileage, telecopy, photocopying, courier service, filing fees and similar will be reimbursed.

This contract will replace the contract with Woods Oviatt Gilman LLP and reflects the same rates which have not increased in some time.

I would be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

Copy to: S. Frankel, W. Moehle

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 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons

RESOLVED, that a memorandum dated March 18, 2009, from Paula A. Parker, Director of Finance, concerning the closeout and transfer of funds from three completed capital projects, namely the Fuel Depot, the Elmwood Avenue Sanitary Sewer and the North Landing Improvements Projects, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the closeout of the Fuel Depot Project, to be closed to the Debt Service Fund; the Elmwood Avenue Sanitary Relief Sewer, to be closed to the Debt Service Fund; and the North Landing Improvements Project, to be closed to the Highway Fund.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____



PAULA A. PARKER, DIRECTOR OF FINANCE
2300 ELMWOOD AVENUE SUITE 110
ROCHESTER, NEW YORK 14618
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
Attn.: Finance and Administrative Services Committee
From: Paula A. Parker, Director of Finance
Date: March 18, 2009
Subject: **Close out and Transfer of Funds**
Capital Projects Fund
Fuel Depot (FUELD)
Elmwood Avenue Sanitary Sewer (EASWR)
North Landing Improvements (NLIMP)

I recommend that your Honorable Body approve the close out of these three completed Capital Projects as follows:

Fuel Depot Project to the Debt Service Fund (V)
Elmwood Avenue Sanitary Relief Sewer to the Debt Service Fund (V)
North Landing Improvement funds back to Highway Fund (D)

Above remaining available funds including interest through February 2009 will be transferred to the appropriate fund. The approximate funds in each project are as follows: Fuel Depot \$ 7,835; Elmwood Avenue Sanitary Sewer \$ 10,105; and North Landing Improvement \$6,295. This does not include final post of the interest earned on the remaining funds.

I will be happy to respond to any questions that members of the Committee or other members of the Town Board may have regarding this matter.

Copy to: S. Frankel, T. Low

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 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
 Supervisor
 JAMES R. VOGEL
 RAYMOND J. TIERNEY III
 LOUISE NOVROS
 SHEILA A. GADDIS
 Councilpersons

RESOLVED, that a memorandum dated March 18, 2009, from Paula A. Parker, Director of Finance and Louise Novros, Town Board Member, concerning the acceptance of a grant and 2009 budget appropriation for the Clean Sweep Community Program, together with attachments thereto, be received and filed; and be it further

RESOLVED, that the Town Board hereby accepts a grant in the amount of \$500 from the Air & Waste Management Association (Genesee Finger Lakes Chapter); and be it further

RESOLVED, that the Town Board hereby approves the budget appropriation required to record the grant for the Clean Sweep Community Program as set forth in the above memorandum.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25 day of March, 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS

Councilpersons.

WHEREAS, the Town Clerk has previously received petitions from residents of Ashley Drive, Woodmont Drive and Fairfield Drive, requesting that the speed limits on such Highways be reduced to 25 mph; and

WHEREAS, the Commissioner of Public Works has recommended that the Town Board consider an amendment to the Town Code to reduce the speed limit on such streets to 25 mph, and that the Town Board set a Public Hearing to consider a Local Law to implement such a change; it is therefore

RESOLVED, that correspondence dated March 11, 2009 from Thomas A. Low, Commissioner of Public Works, concerning speed limit reductions, together with the petitions attached thereto; concerning the reduction of speed limits on Ashley Drive, Woodmont Drive and Fairfield Drive, be received and filed; and be it further

RESOLVED, that pursuant to Article III of the Municipal Home Rule Law of the State of New York, a Public Hearing on a proposed Local Law of 2009 entitled 2009 Speed Limit Reduction Local Law, in the form presented to this meeting, be held by the Town Board of the Town of Brighton on the 22nd day of April, 2009 at 7:30 p.m. o'clock prevailing time at Brighton Town Hall, 2300 Elmwood Avenue, in said Town, to consider the proposed Local Law and to hear all persons having and interest therein, and to take such action with respect thereto as may be proper; and be it further

RESOLVED, that notice of the time and place of such Public Hearing, describing the purpose of said Local Law, be published and posted by the Town Clerk, pursuant to Law.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting _____
James R. Vogel, Councilman	Voting _____
Raymond J. Tierney III, Councilman	Voting _____
Louise Novros, Councilperson	Voting _____
Sheila A. Gaddis, Councilperson	Voting _____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

RESOLVED, that a memorandum dated March 18, 2009 from Thomas A. Low, Commissioner of Public Works, correspondence from Paul R. White, Acting Secretary of the Brighton Tree Council, dated March 11, 2009 and correspondence dated February 16, 2009 from Thomas A. Low, Commissioner of Public Works, all concerning a proposed amendment to the Town's Forestry Plan, be received and filed; and be it further

RESOLVED, that the Town Board hereby approves the Amendment to the Town's Forestry Plan, as more fully set forth in the memorandum dated March 18, 2009 from Thomas A. Low, Commissioner of Public Works.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

To: Honorable Supervisor and Town Board
From: Tom Low
3/18/09
Re: Forestry Plan
Amendment for Tree Planting

Background:

The report of the Green Brighton Task Force recognized the value of trees in carbon uptake, and recommended the Town Forestry Plan be amended to encourage more tree planting in parks and along roadsides.

The Town Code (chapter 175, section 5) gives the Town Board the power to review and to revise the Plan.

The Public Works Committee reviewed this proposed amendment at its meeting of January 12, 2009.

The Tree Council reviewed and approved this change at their meeting of March 10, 2009. Copy attached.

The GBTF Steering Committee reviewed and approved this change at their meeting of February 4, 2009. Copy attached.

Proposal:

That the Plan be amended, in the Guidelines chapter and the Tree Planting section, to read:

“The Town is dedicated to maintaining and ~~ideally~~ increasing the Town tree population level. As the Town’s budget allows, all Town trees that are removed shall be replaced. **The Town recognizes the importance of trees in providing both shade and carbon uptake. The Town will inventory sites, in parks and along roads, that may be suitable for the planting of additional trees. The Town will then develop and implement, while considering fiscal realities, a multi-year plan to plant in those sites.**”

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 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL
 RAYMOND J. TIERNEY III
 LOUISE NOVROS
 SHEILA A. GADDIS

Councilpersons

RESOLVED, that correspondence dated February 20, 2009, from Carmella R. Mantello, Director, New York State Canal Corporation, concerning the extension of grant Contract C100788 for Canalway trail improvements be received, be received and filed, together with attachments thereto; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver Appendix X - No Cost Time Extensions to Contract C100788 by and between the Town and the New York State Canal Corporation, under which the term of the grant contract will be extended from June 30, 2009 through June 30, 2010.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated March 25, 2009, from Susan Kramarsky, Town Clerk, concerning the designation of the Democrat & Chronicle as alternate official newspaper of record for the Town, be received and filed; and be it further

RESOLVED, that the Town Board hereby designates the Rochester Democrat & Chronicle as alternate official newspaper of record for the Town, for the period March 25, 2009 through March 31, 2009.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of March 2009.

PRESENT:

SANDRA L. FRANKEL,
Supervisor

JAMES R. VOGEL
RAYMOND J. TIERNEY III
LOUISE NOVROS
SHEILA A. GADDIS
Councilpersons

RESOLVED, that correspondence dated March 23, 2009, from Douglas S. Clapp, Director of Communications, concerning a donation of a horse trough currently located on property owned by Wegmans Food Markets, Inc. near the intersection of East Avenue and Winton Road, in the City of Rochester, be received and filed, together with a proposed Indemnification Agreement attached thereto; and be it further

RESOLVED, that the Town Board hereby gratefully accepts the donation of a horse trough from Wegmans Food Markets, Inc. and authorizes that the Director of Parks and Recreation make the necessary arrangements to have the trough moved from its current location to Buckland Park; and be it further

RESOLVED, that in connection therewith, the Supervisor is hereby authorized to execute and deliver an Indemnification Agreement by and between the Town and Wegmans Food Markets, Inc., which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: March 25, 2009

Sandra L. Frankel, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Raymond J. Tierney III, Councilman	Voting	_____
Louise Novros, Councilperson	Voting	_____
Sheila A. Gaddis, Councilperson	Voting	_____