

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

September 10, 2008

PRESENT:

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

William Moehle  
Attorney for the Town

Susan Kramarsky  
Town Clerk

**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 5:40 PM to discuss the employment of a particular person and litigation.

**RECOGNITIONS/PRESENTATIONS:**

*Swearing-In Ceremony for  
Brighton Police Officer Justin Keller*

**OPEN FORUM:**

Green Brighton Task Force—Final Report

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to receive and file the aforementioned report.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

1. Karl Korfmacher
2. Joel Shapiro
3. Alison Gilbert
4. Bruce Bellwood
5. Al Anontenz
6. Alison Gilbert
7. Joel Shapiro
8. Karl Korfmacher
9. Harry Gleason
10. Connie Ehindero
11. Beth Vercolin
12. Judy Schwartz
13. Alison Gilbert
14. Beth Vercolin
15. Joel Shapiro

16. Terry Slaybaugh
17. Mathew Leno
18. Al Anotonez
19. Bruce Bellwood
20. Mathew Leno
21. Norma Fennel
22. Leo Dodd
23. Joel Shapiro

**APPROVAL OF AGENDA:**

Motion by Councilmember Sheila Gaddis that the Town Board approve the agenda with the addition of the presentation by Karl Korfmacher and communication from Harry Gleason, Connie Ehindero, image with communication from Judy Schwartz, petition submitted by Alison Gilbert, e-mail from Nicholas and Marilyn Graver, and announcement from "Brighton Informed" seconded by Councilmember Louise Novros that the Town Board approve the agenda with the additions as listed.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:**

July 23, 2008

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros that the Town Board approve and file the minutes of the July 23, 2008 Town Board Meeting.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Proposed removal of 38" silver maple tree in Town park opposite 113 Warrington Drive (see Resolution #12).

(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

**PETITIONS:**

**MATTER RE:** Costello project on Winton Road South at I 590

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to receive and file the aforementioned petition.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**BIDS:**

**MATTER RE:** Award \$6,790. bid to Empire Enterprises JKB, Inc. for

September brush and wood waste grinding (see Resolution #1; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 10, 2008).

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

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Aviva Goldstein, dated August 28, 2008, commenting on the proposed Clinton Crossings Lifestyle Center

**FROM** Elaine Gold, urging speed limit reduction on Ashley Drive

**FROM** Chris Mueller, Manager, Government Affairs, Time Warner Cable, dated September 3, 2008, advising of a new interactive technology, Switched Digital Video ("SDV")

**FROM** Sherwin Weinstein, commenting on the proposed Clinton Crossings Lifestyle Center

**FROM** Michael J. Townsend, Esq., Harris Beach, dated August 29, 2008, advising of September 16, 2008, 9:00 a.m. County of Monroe Industrial Development public hearing regarding Gallina Cambridge, LLC, 1872 S. Winton Road

**FROM** G. Jeffrey Haber, The Association of Town of the State of New York, dated August 21, 2008, advising of Town's membership dues for 2009

**FROM** William R. Blanton Jr., CFM, Chief, Federal Emergency Management Agency, dated August 25, 2008, revalidating determinations for certain properties

**FROM** Richard D. Irish, President/Business Manager, IBEW Local Union 36, dated September 4, 2008, thanking Supervisor Frankel for speaking on their behalf on Labor Day

**FROM** Jaclyn A. Brillling, Secretary, State of New York Department of Public Service, notifying that Temporary Operating Authority has been granted to Time Warner-Rochester Division for operations in the Town of Brighton until February 25, 2009

**FROM** Kevin B. O'Buckley, P.E., Regional Director, New York State Department of Transportation, dated September 3, 2008, regarding the I-590 Interchange at Winton Road

**FROM** United States Senator Charles E. Schumer, dated September 3, 2008, regarding Medicare accessibility and affordability

**FROM** Renee Casler, Planner II, Monroe County Department of Planning and Development, dated August 29, 2008, regarding St. John's Community Rezoning

**FROM** Susan and Michael Stinson, dated September 9, 2008, commenting on the proposed Costello development

**FROM** Brandon Brewer, dated September 9, 2008, regarding mountain biking trails in Brighton

**FROM** Paul A. Johnson, Monroe County Department of Planning and Development, dated August 13, 2008, enclosing copy of the adopted 2009-2014 Capital Improvement Program (filed in Department of Public Works)

**FROM** Nancy Bircher, dated August 8, 2008, regarding safety during voting hours at the Legacy at Clover

**FROM** Lisa M. Porter, Environmental Analyst, New York State Department of Environmental Conservation, dated August 13, 2008, regarding the Elmwood Avenue Relief Sewer Phase 2

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to receive and file the aforementioned communications.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMITTEE REPORTS:**

Community Services - Next meeting September 18, 2008.

Finance and Administrative Services Councilmember Sheila Gaddis reported on the meeting of September 3, 2008. Next meeting September 17, 2008.

Public Safety Services Councilmember Ray Tierney reported on meeting of September 9, 2008. Next meeting October 7, 2008.

Public Works Services Councilmember James Vogel reported on meeting of September 8, 2008. Next meeting October 6, 2008.

**OLD BUSINESS:**

**MATTER RE:** Receive and File new St. John's Community Incentive Zoning Application Clarification, see letter with attachment dated September 5, 2008 from Charles K. Runyon, President/CEO, St. John's Home.

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Town Board receive and file the aforementioned application.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**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. 3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set October 7 and October 22, 2008 public hearings on Supervisor's 2009 Tentative Operating and Capital Budgets which will be presented at the September 24, 2008 Town Board meeting (see Resolution #10).

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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set October 7 and 22, 2008 public hearings for 2009

Assessment Rolls for service charges, maintenance charges, capital charges and sewer rent charges for Special Improvement Districts and Special Improvements (see Resolution #8).

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:** Set October 7 and 22, 2008 public hearings for proposed Agreement by and between the Town of Brighton and the West Brighton Fire Department, Inc. for fire protection services during 2009 (see Resolution #9).

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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize \$11,200 budget transfer for sewer repair program (see Resolution #2; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 2, 2008).

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. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Accept resignation of Shawn Kogler as Recreation Attendant effective September 12, 2008 (see Resolution #3; letters from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, and Shawn M. Kogler dated August 29, 2008).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize promotion of David A. Shaw from permanent part-time cleaner to position of Recreation Attendant, effective September 13 2008, with 52 week probationary period (see Resolution #4; letter from Jerry LaVigne, Director of Recreation, Parks and Community Service Department, dated September 2, 2008).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize \$5,000 budget amendment for purchase of six (6)

Nikon D-40 digital cameras with accessories for use by evidence technicians (see Resolution #5; letter from Thomas M. Voelkl, Chief of Police, dated August 21, 2008).

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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize budget amendment accepting \$25,000 grant to purchase Sokia Total Station forensic instrument, laser plummet tribrach, hand held TDS recon data collector 400x and all associated equipment and hardware (see Resolution #6; letter from Thomas M. Voelkl, Chief of Police, dated August 20, 2008).

Motion by Councilmember Ray Tierney seconded by Councilmember Louise Novros that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize to declare surplus and dispose of at auction a Shared Services Department pick up truck (see Resolution #7; letter from Laraine Albers, dated September 2, 2008).

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. 12 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Request exception to Pesticide Policy to treat 26" box elder tree at 220 Sylvan Road for carpenter ants (see Resolution #11; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 5, 2008, 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. 13 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set October 7, 2008 Public Hearing for proposed Amendment to Town Code for Technical Amendments 2008-1.1 to 1.11 (see Resolution #13; letter from Thomas A. Low, Commissioner of Public Works/Superintendent of Highways, dated September 8, 2008, with attachment). Matter referred to planning board

**MATTER RE:** Authorize Supervisor to execute room rental agreement with Twelve Corners Presbyterian Church for use of the sanctuary on October 18, 2008 in connection with the Town's Arts Fest (see Resolution #14).

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. 14 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTERS OF THE SUPERVISOR:**

**MATTER RE:** Revenue and Expense Reports for period ended August 31, 2008

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to receive and file the aforementioned report.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MOTION TO GO INTO EXECUTIVE SESSION:**

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board go into Executive Session at 10:10 PM to discuss matters of real estate and litigation.

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to come out of executive session at 10:40 PM.

**MATTER RE:** Retain the firm of Underberg and Kessler to defend the Town in litigation on the matter of 447 French Road.

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney to approve a contract to retain the firm of Underberg and Kessler to defend the Town in litigation on the matter of 447 French Road as set forth in Exhibit No. 15 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember James Vogel seconded by Councilmember Sheila Gaddis that the Town Board adjourn at 10:50 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 held on the 10<sup>th</sup> of September 2008 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

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Susan Kramarsky, 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 10th day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**WHEREAS**, the Commissioner of Public Works Previously recommended that a significant Town tree located in a Town park adjacent to 113 Warrington Drive, and which poses a threat to persons and property be removed, and the Town Board set a public hearing to consider such matter; and

**WHEREAS**, such public hearing was duly called and held and based on the testimony and materials submitted thereto, the Town Board desires to act on the recommendation of the Commissioner; it is therefore

**RESOLVED**, that based on the testimony and materials submitted in connection with the public hearing, the Town Board hereby approves the recommendation of the Commissioner of Public Works that a 38 inch silver maple tree located in a Town park adjacent to 113 Warrington Drive, be removed, because of the risk of damage to persons and property from such tree.

Dated: September 10, 2008

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 10th day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

**RESOLVED**, that correspondence dated September 10, 2008 from Thomas A. Low, Commissioner of Public Works, concerning the award of a bid for grinding of brush and wood waste for September 2008, be received and filed; and be it further

**RESOLVED**, that the bid for the grinding of brush and wood wastes during September 2008 be awarded to Empire Enterprises JKB, Inc. for a lump sum contract price of \$6790.00.

Dated: September 10, 2008

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

September 10, 2008

Honorable Town Board  
Town of Brighton  
2300 Elmwood Ave.  
Brighton, NY 14618

Re: Award of Bid  
Grinding of Brush and Wood Wastes (September, 2008)

Honorable Members:

I recommend that a bid be awarded for the above work to the low, responsible and responsive bidder, Empire Enterprises JKB, Inc., in the lump sum amount of \$6,790.00. This is the fourth in a series of such awards for the processing of our yard wastes in 2008.

The bids were publicly advertised and publicly opened, all as required by law. Copies of the bid advertisement and bid tabulation are attached.

Funds are available in the landfill account (A.HWY.8160.449) for this specific purpose.

Sincerely,



/ Thomas A. Low  
Commissioner of Public Works

cc: P. Parker

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

September 10, 2008

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>89,928.31</u>
D - HIGHWAY		<u>204,146.43</u>
H - CAPITAL		<u>14,589.38</u>
L - LIBRARY		<u>19,134.81</u>
SA - AMBULANCE DIST		<u>1,247.50</u>
SB - BUSINESS IMPROVM		<u>412.50</u>
SD - DRAINAGE DIST		<u>1,048.75</u>
SF - FIRE DIST		<u>33,296.50</u>
SK - SIDEWALK DIST		<u>4,540.41</u>
SL - LIGHTING DIST		<u>22,004.84</u>
SM - SNOW REMOVAL DST		<u>1,745.00</u>
SN-NEIGHBORHOOD DIST.		<u>467.50</u>
SR - REFUSE DIST		<u>6,742.50</u>
SS - SEWER DIST		<u>21,287.16</u>
SW - WATER DIST		<u>1,046.25</u>
TA - AGENCY TRUST		<u>3,720.91</u>
TOTAL	\$	<u>425,358.75</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 10<sup>th</sup> day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

JAMES R. VOGEL

RAYMOND J. TIERNEY III

LOUISE NOVROS

SHEILA A. GADDIS

Councilpersons

On \_\_\_\_\_ motion \_\_\_\_\_ of \_\_\_\_\_ Councilperson \_\_\_\_\_, seconded by \_\_\_\_\_ Councilperson \_\_\_\_\_, it is

**ORDERED,** that pursuant to Section 108 of the Town Law of the State of New York, public hearings will be held by the Town Board of the Town of Brighton on the 7th day of October, 2008 and the 22nd day of October, 2008 at 7:30 o'clock P.M., prevailing time, at the Town Hall, 2300 Elmwood Avenue, in said Town, to consider the adoption of the Preliminary Budget for the Town of Brighton for the Year 2009 and the Capital Improvements Program for 2009 for the Town of Brighton and to hear all persons interested therein and to take such action as may be proper, and it is further

**ORDERED,** that Notice of the times and places of such hearings describing the Preliminary Budget for the Town of Brighton for the Year 2009 and the Capital Improvements Program for 2009 for the Town of Brighton be published and posted by the Town Clerk as required by the Town Law of the State of 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 10th  
day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

On \_\_\_\_\_ motion \_\_\_\_\_ of \_\_\_\_\_ Councilperson  
\_\_\_\_\_, seconded by Councilperson  
\_\_\_\_\_, it is

**ORDERED,** that pursuant to Section 239 of Town Law of  
the State of New York, public hearings will be held by the  
Town Board of the Town of Brighton on the 7th day of  
October, 2008 and the 22nd day of October, 2008 at 7:30  
o'clock P.M., prevailing time, at the Town Hall, 2300  
Elmwood Avenue, in said Town, to consider the adoption of  
Assessment Rolls for Service Charges, Maintenance Charges,  
Capital Improvements and Sewer Rent Charges for Special  
Improvements Districts and for Special Improvements for the  
Town of Brighton for those Districts listed on Schedule "A"  
attached hereto and made a part hereof and to hear all  
persons interested therein and to take such action as may  
be proper, and it is further

**ORDERED**, that Notice of the times and places of such hearings describing the Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvements Districts and for Special Improvements for the Town of Brighton be published and posted by the Town Clerk pursuant to Law, in addition to the notice previously given by mail by the Town Clerk as part of the Town's newsletter.

Dated: September 10, 2008

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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	_____

**SCHEDULE A**

- Brighton Fire District . . . . .
- (Service)
- West Brighton Fire Protection District . . . . .
- (Service)
- Brighton Special Ambulance District. . . . .
- (Service)
  
- Ashley Drive Refuse and Garbage District . . . . .
- (Service)
- Bel-Air Refuse and Garbage District. . . . .
- (Service)
- Brittany-Markay Refuse and Garbage District. . . . .
- (Service)
- Bronsonwood Refuse and Garbage District. . . . .
- (Service)
- Council Rock Avenue Refuse and Garbage District. . .
- (Service)
- Coventry Green Refuse and Garbage District . . . . .
- (Service)
- Dunrovin Lane Refuse and Garbage District. . . . .
- (Service)
- East Avenue Refuse and Garbage District. . . . .
- (Service)
- Evans Farm Refuse and Garbage District . . . . .
- (Service)
- Fairhaven Road Refuse and Garbage District . . . . .
- (Service)
- Fairways Refuse and Garbage District . . . . .
- (Service)
- Far View Hill Refuse and Garbage District. . . . .
- (Service)
- Forest Hills Refuse and Garbage District . . . . .
- (Service)
- Frankland Refuse and Garbage District. . . . .
- (Service)
- Gailhaven Road Refuse and Garbage District . . . . .
- (Service)
- Greenaway Drive Refuse and Garbage District. . . . .
- (Service)
- Hemingway Drive Refuse and Garbage District. . . . .
- (Service)
- Home-Acres Refuse and Garbage District . . . . .
- (Service)
- Houston Barnard Refuse and Garbage District. . . . .
- (Service)
- Howland Avenue Refuse and Garbage District . . . . .
- (Service)
- Kirk Astor Refuse and Garbage District . . . . .
- (Service)
- Klink-Burkedale Refuse and Garbage District . . . . .
- (Service)
- Ledgerock Lane Refuse and Garbage District . . . . .
- (Service)
- Mandy/Woodgate Refuse and Garbage District . . . . .
- (Service)
- Maywood Refuse and Garbage District . . . . .
- (Service)
- Meadow View Refuse and Garbage District. . . . .
- (Service)
- Meadowbrook Refuse and Garbage District. . . . .
- (Service)
- Modelane Refuse and Garbage District . . . . .
- (Service)

Monroe Meadows Refuse and Garbage District . . . . .  
 (Service)  
 Parkwood Avenue Refuse and Garbage District. . . . .  
 (Service)  
 Pelham Road Refuse and Garbage District. . . . .  
 (Service)  
 Pickford Refuse and Garbage District . . . . .  
 (Service)  
 Rawlingswood Refuse and Garbage District . . . . .  
 (Service)  
 Rockhill Refuse and Garbage District . . . . .  
 (Service)  
 Roselawn Refuse and Garbage District . . . . .  
 (Service)  
 Rowlands Refuse and Garbage District . . . . .  
 (Service)  
 Schoolhouse Lane Refuse and Garbage District . . . . .  
 (Service)  
 Second Rose Lawn Refuse and Garbage District . . . . .  
 (Service)  
 Shalimar Refuse and Garbage District . . . . .  
 (Service)  
 South Landing Road Refuse and Garbage District . . . . .  
 (Service)  
 Spier Avenue Refuse and Garbage District . . . . .  
 (Service)  
 Struckmar Refuse and Garbage District. . . . .  
 (Service)  
 Thornwood Drive Refuse and Garbage District. . . . .  
 (Service)  
 Village Lane Refuse and Garbage District . . . . .  
 (Service)  
 Westerloe Avenue Refuse and Garbage District . . . . .  
 (Service)  
 Willowbend Refuse and Garbage District . . . . .  
 (Service)  
 Wyatt Drive Refuse and Garbage District. . . . .  
 (Service)

Bel-Air Lighting District. . . . .  
 (Service)  
 Clover-Elmwood Lighting District . . . . .  
 (Service)  
 College Complex Lighting District. . . . .  
 (Service)  
 Council Rock Lighting District. . . . .  
 (Service)  
 Council Rock Estates Lighting District . . . . .  
 (Service)  
 Deerfield Woods Street Lighting District . . . . .  
 (Service)  
 Dunn & Paul Lighting District. . . . .  
 (Service)  
 East Avenue Lighting District. . . . .  
 (Service)  
 Elmwood Manor Apartments Lighting District . . . . .  
 (Service)  
 Elmwood Terrace Lighting District. . . . .  
 (Service)  
 Ferndale Manor Lighting District . . . . .  
 (Service)  
 Home Acres Lighting District . . . . .  
 (Service)  
 Houston-Barnard Lighting District. . . . .  
 (Service)

Lac de Ville/Senator Keating Boulevard Lighting  
 District . . . . .  
 (Service)  
 Malvern Lighting District. . . . .  
 (Service)  
 Meadowbrook Lighting District. . . . .  
 (Service)  
 Mercy Park Lighting District . . . . .  
 (Service)  
 Meridian Centre Lighting District. . . . .  
 (Service)  
 Metropolitan Park Lighting District. . . . .  
 (Service)  
  
 Penfield Landing Lighting District . . . . .  
 (Service)  
 Penfield Road Lighting District. . . . .  
 (Service)  
 Rose Lawn Lighting District. . . . .  
 (Service)  
 Struckmar Lighting District. . . . .  
 (Service)  
 Sunnymede Addition Lighting District . . . . .  
 (Service)  
 Victory Lane Subdivision - Southland  
 Drive Lighting District. . . . .  
 (Service)  
  
 Bel-Air Sidewalk Snow Removal District . . . . .  
 (Service)  
 Brookside Sidewalk Snow Removal District . . . . .  
 (Service)  
 Council Rock Sidewalk Snow Removal District. . . . .  
 (Service)  
 Fairhaven Road Sidewalk Snow Removal District . . . . .  
 (Service)  
 Grosvenor Sidewalk Snow Removal District . . . . .  
 (Service)  
 Home Acres Sidewalk Snow Removal District. . . . .  
 (Service)  
 Meadowbrook Sidewalk Snow Removal District . . . . .  
 (Service)  
 North Roselawn Sidewalk Snow Removal District. . . . .  
 (Service)  
 Pelham Road Sidewalk Snow Removal District . . . . .  
 (Service)  
 Roselawn Sidewalk Snow Removal District. . . . .  
 (Service)  
 Rowlands Sidewalk Snow Removal District. . . . .  
 (Service)  
 Struckmar Sidewalk Snow Removal District . . . . .  
 (Service)  
  
 Barclay Square Drainage District . . . . .  
 (Improvement & Maintenance)  
 Deerfield Woods Drainage District. . . . .  
 (Improvement & Maintenance)  
 Lac de Ville/Senator Keating Boulevard  
 Drainage District. . . . .  
 (Improvement & Maintenance)  
 Mercy Park Drainage District . . . . .  
 (Improvement & Maintenance)  
 Meridian Center Boulevard Drainage District. . . . .  
 (Improvement & Maintenance)  
  
 Brighton Meadows Storm Water Drainage District . . . . .  
 (Improvement & Maintenance)

Heatherstone Storm Water Drainage District . . . . .  
(Improvement & Maintenance)  
Brighton Meadows Lateral Water Main. . . . .  
(Improvement & Maintenance)  
South Clinton - Westfall Water District. . . . .  
(Improvement & Maintenance)  
Consolidated Water District of the Town of  
Brighton . . . . .  
(Improvement & Maintenance)

Consolidated Sewer District of the Town of  
Brighton . . . . .  
(Improvement & Maintenance)  
Consolidated Sewer District Extension #67. . . . .  
(Improvement & Maintenance)  
Brighton Sewer District 87A. . . . .  
(Improvement & Maintenance)  
Western Drive Sanitary Sewer District. . . . .  
(Improvements & Maintenance)

Brighton Consolidated Sidewalk District. . . . .  
(Improvement & Maintenance)  
Mercy Park Sidewalk District. . . . .  
(Improvements & Maintenance)

Gail Haven/Markay Street Improvements. . . . .  
(Improvement)

Monroe Avenue Business Improvement District #1 . . . .  
(Improvement & Maintenance)

Home Acres Neighborhood Improvements District. . . . .  
(Improvement & Maintenance)

Kirk-Astor Park District . . . . .  
(Improvement & Maintenance)

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 10<sup>th</sup> day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

Councilpersons

On motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_,  
it is

**ORDERED**, that a Public Hearing be held by the Town Board of the Town of Brighton at meetings commencing at 7:30 o'clock P.M., prevailing time, on the 7th day of October, 2008 and the 22nd day of October, 2008 at the Town Hall, 2300 Elmwood Avenue, in said Town, to consider Agreements by and between the Town of Brighton and the West Brighton Fire Department, Inc., and between the Town and the City of Rochester, both for fire protection services within the West Brighton Fire Protection District during 2008; and be it further

**ORDERED**, that the notice of the times and places of such hearing be published and posted by the Town Clerk pursuant to Law.

Dated: September 10, 2008

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 10th day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated September 2, 2008 from Thomas A. Low, Commissioner of Public Works, concerning a budget transfer for the sewer repair program, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves a transfer of \$11,200 from account SS.SEWER.8120.280 (Sewer Operations - Sewer Construction) to account SS.SEWER.8120.407 (Sewers-Operations-Sewer Repair Materials), in order to mitigate the impact of price increases in asphalt concrete and PVC pipe and to enable the completion of 16 additional sanitary sewer repairs.

Dated: September 10, 2008

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 10th day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated August 29, 2008 from Jerry LaVigne, Director of Parks and Recreation and correspondence dated August 29, 2008 from Shawn M. Kogler, both concerning the resignation of Mr. Kogler from the position of Recreation Attendant, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts the resignation of Shawn M. Kogler as Recreation Attendant, effective September 12, 2008, with regret.

Dated: September 10, 2008

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 10th day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated September 2, 2008 from Jerry LaVigne, Director of Parks and Recreation, concerning an appointment, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby approves the appointment of David A. Shaw, to the position of Recreation Attendant, effective September 13, 2008, which position is listed on the Town's salary and wage schedule at Group 3, Step 1, with an annual starting salary of \$31,831.80, on a probationary basis with a 52 week probationary period.

Dated: September 10, 2008

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 10th day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated August 21, 2008 from Thomas M. Voelkl, Chief of Police, concerning a budget amendment for the purchase of digital cameras and related accessories, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby approves the budget transfer as set forth in the above-referenced correspondence, for the purchase of six (6) Nikon D-40 digital cameras and related accessories.

Dated: September 10, 2008

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 10th day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated August 20, 2008 from Thomas M. Voelkl, Chief of Police, concerning a budget amendment to provide various forensic instruments and hardware, all as more fully set forth therein, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby accepts a grant of \$25,000 under the Byrne Justice Grant program from the New York State Department of Criminal Justice Services; and be it further

**RESOLVED**, that the Town Board hereby approves the budget transfer as more fully described in such correspondence, for the purchase of a Sokia Total Station forensic instrument, a laser plummet tribrach and handheld TDS recon data collector 400x and associated equipment and hardware.

Dated: September 10, 2008

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 10th day of September, 2008.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated September 2, 2008 from Laraine Albers, concerning the designation of a vehicle as surplus, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby declares the Shared Services Department 2000 Chevrolet pick up truck to be surplus and directs that it be sold at auction.

Dated: September 10, 2008

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 10th day of September, 2008.

**PRESENT:**

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

**RESOLVED**, that correspondence dated September 5, 2008 from Thomas A. Low, Commissioner of Public Works, concerning an exception to the Town's policy against the use of pesticides on Town owned properties, be received and filed; and be it further

**RESOLVED**, that based on the recommendations of the Commissioner of Public Works, the Town Board hereby approves an exception to the Town's policy against the use of pesticides on Town-owned properties to permit the treatment of a tree located adjacent to 220 Sylvan Road for an outbreak of carpenter ants.

Dated: September 10, 2008

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 10th day of September 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

On motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_, it is

**RESOLVED**, that correspondence dated September 8, 2008 from Thomas A. Low, Commissioner of Public Works, concerning proposed technical amendments to the Town Code, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that pursuant to Article 3 of the Municipal Home Rule Law of the State of New York, a public hearing on a proposed Local Law of 2008 entitled "Second 2008 Technical Code Amendments Local Law", in the form presented to this meeting, be held by the Town Board of the Town of Brighton on the 7<sup>th</sup> day of October, 2008, at 7:30 o'clock PM, prevailing time, at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town to consider the proposed Local Law and to hear all persons interested therein and to take such action as may be proper, and it is further

**RESOLVED**, that the Town Clerk is hereby directed to publish and post a notice of such public hearing as required by law.

Dated: September 10, 2008

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  
**Interoffice Memo**

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To: Tom Low  
From: Staff  
CC:  
Date: **September 2, 2008**  
Subject: Technical Amendments 2008-1: Second Draft

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The following amendments are proposed:

2008-1.1 Amend Chapter 201, General provisions, Section 201-9.A(3), Interpretation of zoning district boundaries, to remove subsection (3), an interpretation that certain zoning district boundaries should be construed to be 200' from street lines if parallel to the street.

(page 1)

2008-1.2 Amend Chapter 201, General provisions, Section 201-5, Definitions to modify the definition of attached garage to conform to the amended (2007) liveable floor area definition.

(page 1)

2008-1.3 Amend Chapter 203, District use regulations, to remove the restriction in the RLL and RLA districts (which follows through from RLA to other residential zoning districts by reference) that accessory uses are limited to 10% of the area of the lot

(page 1)

2008-1.4 Amend Chapter 203, District use regulations, to allow retail uses with incidental, pre-packaged food sales as a permitted uses instead of conditional uses in the BE-F, BF-1, and BF-2 districts.

(page 2)

2008-1.5 Amend Chapter 203, District use regulations, to allow construction/building contractors as a conditional use in the IG Light Industrial district.

(page 3)

2008-1.6 Amend Chapter 205, Bulk & Parking Regulations, to:

1) limit the existing parking standard for "Shopping Center" to Community shopping centers (larger shopping centers: Winton Place & Tops Plaza). The standard for smaller shopping plazas to be determined by the uses in the plaza

2) Remove §205-13, which is redundant (see §205-14)

3) Remove the requirement that land developed under single ownership is considered a single lot for parking requirements

4) Consolidate §205-21 into §205-19  
(page 3)

2008-1.7 Amend Chapter 207, Supplementary Regulations, Article I, to add a new section 207-6.2 to allow clothing collection drop boxes on lots used for non-residential purposes only.  
(page 4)

2008-1.8 Amend Chapter 207, Supplementary Regulations, Article III, All Nonresidential Districts, to add a new section 207-14.4 to address the requirements for emergency standby generators in non-residential zoning districts.  
(page 4)

2008-1.9 Amend Chapter 207, Supplementary Regulations, Article VI, Sign Regulations, to allow political signs in all zoning districts as they're allowed in residential districts.  
(page 5)

2008-1.10 Amend chapter 225, Administration and Enforcement, §225-18, Burden of proof, to remove the 90 day limit on the ability of pre-existing nonconforming uses to submit an "affidavit of non-conforming use."  
(page 6)

2008-1.11 Amend chapter 201, General Provisions, to include the adopted (1997) list of Type 1 SEQRA actions in the Code.  
(page 6)

### **Amendment 2008-1.1**

Amend Chapter 201, General provisions, Section 201-9.A(3), as follows:

§201-9. Interpretation of zoning district boundaries.

A. In determining the boundaries of districts shown on the map, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following the center lines of streets, highways, waterways or railroad rights-of-way, or such lines extended, such center lines shall be construed to be such boundaries.

(2) Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.

~~(3) Unless otherwise shown, all district boundaries running parallel to streets shall be construed to be 200 feet back from the rights of way of said streets.~~

~~(4)~~**(3)** In all cases where a district . . . .

~~(5)~~**(4)** In all cases where a district . . . .

~~(6)~~**(5)** In all other cases where a dimension. . . .

~~(7)~~**(6)** Where any street or other public way. . . .

### **Amendment 2008-1.2**

Amend Chapter 201, General provisions, Section 201-5, Definitions, as follows:

§201-5. Definitions.

**GARAGE, ATTACHED** -- A private garage which is structurally attached to a principal building by enclosed space. ~~and which has livable floor area adjoining one or more walls thereof.~~

### **Amendment 2008-1.3**

Amend Chapter 203, District use regulations, to remove the restriction in the RLL and RLA districts (which follows through from RLA to other residential zoning districts by reference) that accessory uses are limited to 10% of the area of the lot, as follows:

Chapter 203. District Use Regulations

Article I. Residential-Large Lot District (RLL)

§203-1.1. Permitted and conditional uses.

B. Accessory uses. The following accessory uses shall be permitted, in the rear yard only, limited to the following, ~~provided that the sum of all areas covered by accessory uses shall not exceed 10% of the area of the lot:~~

Article IA. Residential-Low Density District (RLA)

§203-2.1. Permitted and conditional uses.

B. Accessory uses. The following accessory uses shall be permitted, in the rear yard only, limited to the following, ~~provided that the sum of all areas covered by accessory uses shall not exceed 10% of the area of the lot:~~

#### **Amendment 2008-1.4**

Amend Chapter 203, District use regulations, to allow retail uses with incidental, pre-packaged food sales as a permitted uses instead of conditional uses in the BE-F, BF-1, and BF-2 districts as follows:

#### Article IX. Low Intensity Commercial District (BE-F)

§ 203-64. Permitted and conditional uses. In a Low Intensity Commercial BE-F District, no building or premises shall be used and no building or part of a building shall be erected, in whole or part, for any uses except the following:

A. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations, including the administrative review mechanism and site plan approval in accordance with Chapter 217, Article III, of these regulations.

(5) Retail sales **of non-food items**, such as sales of shoes, clothing, home furnishings, antiques, small appliances, computers and electronic equipment, hardware, paint and wallpaper, sport/hobby equipment, books, luggage, cards and gifts, jewelry, liquor, drugs, fabrics and flowers; but excluding vehicle sales ~~and sales of food products.~~

**(6) Retail sales as permitted in (5), above, that include, as a minor, ancillary component, the sale of pre-packaged food items prepared off-site for consumption off of the premises.**

#### Article X. Neighborhood Commercial District (BF-1)

§203-74. Permitted and conditional uses. In a Neighborhood Commercial BF-1 District, no building or premises shall be used and no building or part of a building shall be erected, in whole or part, for any uses except the following:

A. Permitted uses shall be as follows, provided that they shall not exceed 10,000 square feet of floor area and subject to the requirements specified below and elsewhere in these regulations, including the administrative review mechanism and site plan approval in accordance with Chapter 217, Article III, of these regulations:

(6) Retail sales **of non-food items**, such as sales of shoes, clothing, home furnishings, antiques, appliances, computers and electronic equipment, hardware, paint and wallpaper, sport/hobby equipment, books, luggage, cards and gifts, jewelry, liquor,

drugs, fabrics and flowers; but excluding vehicle sales ~~and sales of food products.~~

**(7) Retail sales as permitted in (6), above, that include, as a minor, ancillary component, the sale of pre-packaged food items prepared off-site for consumption off of the premises.**

Article XI. General Commercial District (BF-2)

§203-84. Permitted and conditional uses. In a General Commercial BF-2 District, no building or premises shall be used and no building or part of a building shall be erected, in whole or part, for any uses except the following:

A. Permitted uses shall be as follows, provided that they do not exceed 20,000 square feet of floor area and subject to the requirements specified below and elsewhere in these regulations, including the administrative review mechanism, and site plan approval in accordance with Chapter 217, Article III, of these regulations:

- (5) Retail sales **of non-food items**, such as sales of shoes, clothing, home furnishings, antiques, appliances, computers and electronic equipment, hardware, paint and wallpaper, sport/hobby equipment, books, luggage, cards and gifts, jewelry, liquor, drugs, fabrics and flowers; but excluding vehicle sales ~~and sales of food products.~~
- (6) **Retail sales as permitted in (5), above, that include, as a minor, ancillary component, the sale of pre-packaged food items prepared off-site for consumption off of the premises.**

**Amendment 2008-1.5**

Amend Chapter 203, District use regulations, to allow construction/building contractors as a conditional use in the IG Light Industrial district, as follows:

Article XII. Light Industrial District (IG)

§203-93. Permitted, conditional, accessory and prohibited uses.

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

**(10) Construction and building contractors**

**Amendment 2008-1.6**

Amend Chapter 205, Bulk & Parking Regulations, Sections 205-12, 205-13 and 205-14, §205-19 & §205-21 as follows:

§205.12. Parking Schedule

**Community** Shopping center 5 for each 1,000 square feet of gross floor area

Technical Amendments 2008-1 9-2-08

§ 205-13. ~~Reserved~~ Off-street on-site parking.

~~Off-street parking spaces, open or enclosed, are permitted for any use, subject to the following provisions.~~

§ 205-14. ~~General parking requirements~~ Off-street on-site parking.

~~Off-street parking spaces, open or enclosed, shall be provided for any use as specified herein, within the use regulations for each district. Land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations.~~ Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed herein shall be determined by the Planning Board upon consideration of all factors entering into the parking needs of each such use.

§ 205-19. Drainage and surfacing.

All parking areas shall be properly drained in accordance with the Stormwater Management Regulations, Chapter 215 of these regulations, and all such areas, except for parking spaces for single-family and two-family dwellings, shall be provided with a dustless surface in accordance with the specifications of the Town of Brighton. The maximum slope of a parking area shall not exceed 5%. Access driveways for parking areas within or under buildings shall not at any point have a grade in excess of 10%.

§ 205-21. ~~Enclosed facilities.~~ Reserved.

~~Required parking areas may be constructed within or under any portion of a main building, provided that the access driveway does not at any point have a grade in excess of 10%.~~

### **Amendment 2008-1.7**

Amend Chapter 207, Supplementary Regulations, Article I, All Districts, to add a new section 207-6.2 to allow clothing collection drop boxes on lots used for non-residential purposes, as follows:

§207-6.2. On lots occupied by non-residential uses only, one clothing drop/collection structure shall be permitted per lot, provided that it is located in the rear yard and a minimum of 5' from any lot line, is no greater than 10' in height, and is no greater than 130 square feet in area.

### **Amendment 2008-1.8**

Amend Chapter 207, Supplementary Regulations, Article III, All Nonresidential Districts, to add a new section 207-14.4 to address the requirements for emergency standby generators in non-residential zoning districts, as follows:

Article III. All Nonresidential Districts

**§207-14.4. Emergency standby generators.**

**A. Emergency standby electrical power generators meeting the following conditions shall require only a building permit:**

- 1. The generator shall be located in a rear yard behind the principal building, not extending past the side of the building,**
- 2. The generator shall not be located closer than 10 feet to any lot line;**
- 3. The placement of the generator shall not interfere with the safe passage of pedestrians or vehicles;**
- 4. The generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes;**
- 5. Maintenance operation of the generator shall take place only during daylight hours;**
- 6. The generator shall only operate on LP or natural gas;**
- 7. Documentation of the noise level of the generator per manufacturer's specifications at seven meters (23 feet) from the unit shall be presented with the application for a building permit and shall not exceed 72 decibels.**

**B. Emergency standby generators not in compliance with the requirements above shall require approval by the Planning Board prior to application for a building permit.**

**Amendment 2008-1.9**

Amend Chapter 207, Supplementary Regulations, Article VI, Sign Regulations, to allow political signs in all zoning districts as they're allowed in residential districts.

Chapter 207. Supplementary Regulations  
Article VI. Sign Regulations

§207-32. Regulations for signs in office, commercial or industrial districts.

A. All applications for sight plan approval . . . . The following signs shall be permitted:

- (7) A maximum of three political signs, which shall be non-illuminated, shall not exceed six square feet in area, shall not be closer than 10 feet from any lot line, shall be anchored to the ground and shall not project more than six feet in height above grade. Political signs may be erected not more than 90 days prior to the election to which they relate and shall be removed by the owner or occupant of the property not later than seven days thereafter. Neither Board approval nor the obtaining of a building permit shall be required.**

### **Amendment 2008-1.10**

Amend chapter 225, Administration and Enforcement, §225-18, Burden of proof, to remove the 90 day limit on the ability of pre-existing nonconforming uses to submit an “affidavit of non-conforming use.”

Chapter 225. Administration and Enforcement.

Article III. Nonconforming Uses

§225-18. Burden of proof.

It shall be the responsibility of the owner of record to prove that the activity or condition is preexisting nonconforming. The owner may file an affidavit of nonconforming use with the Building Inspector, **which** ~~or designee within ninety (90) days after the effective date of the ordinance. This affidavit shall contain the legal description of the affected property, the purpose for which the property is used and any other facts deemed necessary to establish nonconformity. The affidavit shall be accompanied by a fee as set from time to time by the Town Board. The Building Inspector or designee shall make an examination verifying the existence of the nonconformity and shall endorse the verified affidavit, and it shall be filed with the Town Clerk. The Town Clerk's fee required for filing the affidavit of nonconforming use shall be paid by the applicant. The verified affidavit shall constitute presumptive evidence which will permit the continuance of the nonconformity. The nonconformity may be abolished or abated either by presentation of competent evidence regarding controversy surrounding the nonconforming use of the property to the Zoning Board of Appeals or by filing a waiver conferred by the owner of record of the property described in the affidavit.~~

### **Amendment 2008-1.11**

Amend chapter 201, General Provisions, to add a new section, §201-14, to read as follows:  
(note deletion in subsection #2)

#### **§201-14. Adoption of a list of additional Type I Actions.**

**Pursuant to 6 NYCRR Part 17, section 617.4(a)(2), the following list of actions and projects has been identified by the Town as being likely to require the preparation of an Environmental Impact Statement, and was adopted on November 12, 1997 to amend the State Environmental Quality Review Act (SEORA) list of Type I Actions. The following actions are Type I if they are to be directly undertaken, funded or approved by the Town (including its employees, agents, boards and officers):**

- 1. All those actions designated as Type I actions by 6 NYCRR Part 617, section 617.4(b)**
- 2. Physical alteration of 10 or more acres occurring within sites listed in the Town of Brighton Open Space Index Update, as adopted July 1996.**

- 3. The acquisition, sale, lease, annexation or transfer of 10 or more contiguous acres of land by a state or local agency.**
- 4. The construction of new residential units that meet or exceed the following thresholds:**
  - a. Five units not to be connected (at commencement of habitation) to existing community or public water and sewage systems including sewage treatment works.**
  - b. Fifty units to be connected (at commencement of habitation) to existing community or public water and sewage systems including sewage treatment works.**
- 5. The adoption of changes in the allowable uses within any zoning district, affecting 10 or more acres of the district.**
- 6. A project or action that meets or exceeds any of the thresholds in this section and that occurs or lies partially in the Town of Brighton and partially in another municipality.**
- 7. Any unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within any landmark designated pursuant to the Town of Brighton Historic Preservation Law.**
- 8. Any unlisted action that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any navigable waterway.**
- 9. Any structure exceeding 100 feet above original ground level.**
- 10. Any construction where disturbance is within any two or more Environmental Protection Overlay Districts as defined in the Brighton Comprehensive Development Regulations.**
- 11. Any action which will result in the disturbance of one or more acre(s) of state wetlands, of one or more acre(s) of federal wetlands, or of one or more acre(s) of federally-designated 100-year floodplains.**
- 12. Communications Facilities, as defined in Chapter 207, Article VIII of the Code, which will require construction of a new, ground-mounted tower in a residential zoning district.**

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 10th day of September 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

On motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_, it is

**RESOLVED**, that the Town Board hereby authorizes that the law firm of Underberg & Kessler LLP be retained to represent the Town in connection with an article 78 lawsuit challenging the decision of the Zoning Board of Appeals denying a variance for a barn located at 447 French Road, and that the Supervisor is hereby authorized to execute and deliver a retainer agreement by and between the Town and Underberg & Kessler LLP, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: September 10, 2008

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 10th day of September 2008.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

On motion of Councilperson \_\_\_\_\_,  
seconded by Councilperson \_\_\_\_\_, it is

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver a room rental agreement, by and between the Town and the 12 Corners Presbyterian Church, for use of the sanctuary of the Church on October 18, 2008, in connection with the Town's Arts Festival, at a cost of \$125.00, which agreement shall be in form and substance as approved by the attorney for the Town.

Dated: September 10, 2008

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 _____