

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  
April 14, 2010

**PRESENT:**

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

William Moehle, Attorney for the Town  
  
Susan Kramarsky, Town Clerk

**MEETING CALLED TO ORDER: 7:15 PM**

**RECOGNITIONS/PRESENTATIONS:**

National Days of Remembrance Proclamation

**OPEN FORUM:**

Troop 152 Boy Scout  
Jean Baric, Aliens Creek Corbetts Glen Preservation  
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:**

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to approve and file the Town Board meeting minutes for March 24, 2010 and April 7, 2010.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**PUBLIC HEARINGS:**

**MATTER RE:** Proposed "2010 Temporary Amendment to Noise Control Law" to allow night work on the New York State Department of Transportation (NYSDOT) Monroe Avenue Rehabilitation Project (see Resolution #10; Short Environmental Assessment Form, dated April 12, 2010 and State Environmental Quality Review Negative Declaration, dated April 14, 2010)

Matter held open

**MATTER RE:** Authorize bid award, not exceeding \$156,175.00, to Concrete Slipform, Inc for 2010 sidewalk replacement (see Resolution #1; letter from Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated April 6, 2010)

Motion by Councilmember Sheila Gaddis 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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MANER RE:** Authorize \$36,470.04 bid award to Lakeland Equipment to furnish and deliver one tractor with snowplow and attachments (see Resolution #2; letter from Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated April 6, 2010)

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.2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Craig W. Stevens, Project Manager, Crane-Hogan Structural Systems, dated April 6, 2010, advising that they have been awarded the New York State Department of Transportation contract to rehab bridge deck joints and support column on Route 390 N.B. on-ramp at W. Henrietta Road, beginning on or about April 26 through August 15, 2010, requiring the ramp closures between 9:00 a.m. and 3:00 p.m. Monday through Friday

**FROM** John K. Steinbrenner, Chair, Parks and Recreation Advisory Committee, dated April 5, 2010, regarding procedure of receiving and responding to community ideas

**FROM** Paul and Annette Holahan, dated March 26, 2010, commenting on the proposed "Winfield Park" project

**FROM** Chris L. Mueller, Manager, Government Affairs, Time Warner Cable, dated March 30, 2010, providing information in accordance with Section 11.8 of the Franchise Agreement with the Town of Brighton

**FROM** Brijen Gupta, dated March 31, 2010, commenting on the proposed Faith Village Draft Environmental Impact Statement

**FROM** Donald D. Doe, Environmental Technician, Monroe County Water Authority, dated March 31, 2010, regarding approval of site plan showing extension of a fire service for 2341 Monroe Avenue

**FROM** Delta Kissel, dated April 2, 2010, expressing appreciation for great public service she received, specifically from Rick Cortina and Trasey Major in the Building and Planning Department

**FROM** Aliens Creek/Corbett's Glen Preservation Group, soliciting recipes for its 2<sup>nd</sup> edition of its "Corbett's Glen Recipes & Remembrances" cookbook which will be available for purchase in September

**FROM** Phil Shippers, Visiting Nurse Service Meals on Wheels, thanking Supervisor Frankel for participating in their recent Mayors for Meals event

**FROM** Paula A. Parker, Director of Finance, dated April 7, 2010, attaching an Executive Summary for the West Brighton Fire Protection District Service Award Program dated January 1, 2010, prepared by Penflex, Inc.

**FROM** Melinda Scott, Chief of Grants, New York State Office of Parks, Recreation and Historic Preservation, dated March 25, 2010, regarding the Town's grant award to support creation of the Town's Veterans' Memorial

**FROM** Amelia Seiler, dated April 14, 2010, requesting that plans for the Brighton Veterans' Memorial include consideration of recognizing those who have waited for soldiers to return as well

**FROM** Rochester Institute of Technology, received April 14, 2010, regarding the RIT TIGER's first-ever appearance at the 2009-2010 NCAA Division I Frozen Four tournament in Detroit

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMIInEE REPORTS:**

Community Services - Next meeting April 15, 2010.

Finance and Administrative Services - Next meetings April 19, 2010 audit review and April 21, 2010.

Public Safety Services - Councilmember Ray Tierney reported on meeting of April 13, 2010. Next meeting May 11, 2010

Public Works Services - Next meeting April 19, 2010

**NEW BUSINESS:**

**MAAnER RE:** Reading and approval of claims

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel that the Supervisor read and approve payment of claims as set forth in Exhibit NO.3 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize disposal of certain used Police Department vehicles at auction (see Resolution #4; letter from Thomas M. Voelkl, Chief of Police, dated March 17, 2010)

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. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute 2010 Stop DWI Enforcement Contract between the Town and Monroe County with funds from Monroe County not exceeding \$24,120.96 (see Resolution #5; letter from Thomas M. Voelkl, Chief of Police, dated March 17, 2010, 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. 5 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MAAnER RE:** Authorize solicitation of proposals for payroll processing (see Resolution #6; letter from Suzanne E. Zaso, Assistant Director of Finance, dated April 5, 2010)

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 submission of application to New York State Department of Motor Vehicles for free License Event Notification Service (LENS) (see Resolution #7; memorandum from Gary Brandt, Director of Personnel, dated April 1, 2010)

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 the following vote was recorded

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

MOTION CARRIED

**MATTER RE:** Authorize Highway Department vehicles be declared surplus and disposed of at auction (see Resolution #8; letter from Timothy E. Keef, Commissioner of Public Works/Highway Superintendent, dated April 6,2010)

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:** Receive and File Planning Board Advisory Report on modification to the Rezoning Incentive Zoning Resolution for the proposed "Reserve" project and refer to Public Works Committee (see Resolution #11; letter from Ramsey A. Boehner, Executive Secretary, Planning Board, dated April 14, 2010)

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

UPON ROLL CALL VOTE the following vote was recorded

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

MOTION CARRIED

**MATTER RE:** Authorize submission of grant application to Greater Rochester Health Foundation to fund teen nutrition program (see Resolution #12; letter from Sue Gardner Smith, dated April 5, 2010)

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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Town of Brighton to act as Trustee for donated funds and grant monies for the Veterans' Memorial (see Resolution #14; memorandum from Paula A. Parker, Director of Finance, dated April 7, 2010)

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. 11 attached.

UPON ROLL CALL *VOTE*

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Authorize Supervisor to execute proxy for 2010 Annual Meeting of New York Municipal Insurance Reciprocal (NYMIR) (see Resolution #13; letter from A. Kevin Crawford, NYMIR Executive Director, dated April 2010, with attachment)

Motion by Councilmember Sheila Gaddis 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. 12 attached.

UPON ROLL CALL *VOTE*

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE TOWN CLERK:

MATTER RE: Confirm membership of Michael D. Diegert, Stephen J. Hill and Ian J. Whalen with West Brighton Fire Department, Inc. (see Resolution #9; letter from Pat A. Inzer, Secretary, West Brighton Fire Department, Inc., dated April 6, 2010)

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. 13 attached.

UPON ROLL CALL *VOTE*

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION:

Motion by Councilmember James *Vogel* seconded by Councilmember Louise Novros to go into executive session to discuss matters of litigation, proposed acquisition or lease of real property, and the employment of particular people.

UPON ROLL CALL *VOTE*

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to come out of executive session at 9:50 PM.

MATTER RE: Appointment to Sustainability Committee

Motion by Councilmember Sheila Gaddis seconded by Councilmember Louise Novros to appoint Ron Wexler to the sustainability committee.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember Louise Novros seconded by Councilmember Sheila Gaddis to adjourn at 10:05 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 14 April 2010 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 14th day of April 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated April 6, 2010, from Timothy E. Keef, Commissioner of Public Works and Highway Superintendent, concerning the award of the bid for the 2010 Sidewalk Replacement Program, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby awards the bid for the 2010 Sidewalk Replacement Program to Concrete Slipform, Inc., the lowest responsible and responsive bidder, in the unit prices bid and for a total cost not to exceed \$156,175.00.

Dated: April 14, 2010

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 14th day of April 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 6, 2010, from Timothy E. Keef, Commissioner of Public Works and Highway Superintendent, concerning the award of a contract to furnish and deliver One Tractor with Snowplow and Attachments, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby awards the bid to furnish and delivery one Tractor with Snowplow and Attachments to the lowest responsive and responsible bidder, Lakeland Equipment, in the base bid amount of \$36,470.04.

Dated: April 14, 2010

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

April 14, 2010

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>180,445.33</u>
O- HIGHWAY		<u>19,885.84</u>
H - CAPITAL		<u>2,881.25</u>
L - LIBRARY		<u>56.00</u>
SF - FIRE DIST		<u>238,378.25</u>
SL - LIGHTING DIST		<u>21,640.82</u>
SS - SEWER DIST		<u>7,637.93</u>
TA - AGENCY TRUST		<u>7,046.32</u>
	TOTAL \$	<u>477,971.74</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 14th day of April 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated March 17, 2010, from Thomas M. Voelkl, Chief of Police, concerning the disposal of surplus vehicles, be received and filed; and be **it** further

**RESOLVED**, that the Town Board hereby declares the six vehicles listed in the above referenced correspondence to be surplus, and directs that they be sold at auction.

Dated: April 14, 2010

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 14th day of April 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated March 17, 2010, from Thomas M. Voelkl, Chief of Police, concerning the 2010 Stop OWI Enforcement Contract, together with the proposed contract attached thereto, be received and filed; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver the 2010 Stop OWI Enforcement Contract, by and between the Town of Brighton and the County of Monroe, under which the Town will receive \$24,120.96 to be used for OWI Enforcement, which contract shall be in form and substance as may be approved by the Attorney to the Town; and be it further

**RESOLVED**, that the Town Board hereby approves the amendments to the 2010 Budget for the Police Department related to this contract, as set forth in the above referenced correspondence.

Dated: April 14, 2010

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

POLICE DEPARTMENT  
2300 Elmwood Avenue  
Rochester, New York 14618-2196



Thomas M. Voelkl  
Chief of Police

March 17, 2010

Emergency 911  
Administrative (585) 784-5150  
Fax: (585) 784-5151

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

Dear Board Members:

I recommend that the Supervisor be authorized to sign and execute the 2010 Stop OWI Enforcement Contract between the County of Monroe and the Town of Brighton. Stop OWI funds for the year 2010 will total \$24,120.96 and will be used for a variety of DWI enforcement activities and **equipment**.

To appropriate a portion of the grant funds relating to enhanced enforcement efforts, I further recommend that the Town Board amend the 2010 Police Department budget by:

1. Increasing appropriations in account A.POLCE.3120.130 (Police Dept. Operations Paid Overtime) by \$10,420.96 and A.POLCE.3120.4.15 (Police Dept. Supplies) by 700.00.
2. Increasing revenues in account A.POLCE.3120.1580 (Police Dept Operations-Stop OWI Grant Funds) by \$24,120.96

The remaining \$13,000.00 for a new vehicle has already been included in this year's operating budget.

Thank you for your consideration. I will be happy to answer any questions you may have regarding this request.

Sincerely,

Thomas M. Voelkl  
Chief of Police

T\IV;jcr

cc: Captain William Principe

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 14th day of April 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 5, 2010 from Suzanne E. Zaso, Assistant Director of Finance, concerning the issuance of a request for proposals for Payroll Processing Services, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes Suzanne E. Zaso, Assistant Director of Finance, to solicit proposals for Payroll Processing Services for the Town.

Dated: April 14, 2010

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 Hal 1, 2300 Elmwood Avenue, in said Town of Brighton on the 14th day of April 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated April I, 2010 from Gary Brandt, Director of Personnel, concerning the submission of an application to the New York State Department of Motor Vehicles for participation in the License Event Notification Service (LENS), be received and filed; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an application and to take such other actions and execute such other documents as may be necessary to enroll in the New York State Department of Motor Vehicle LENS Service for review and ongoing monitoring of Town employee drivers licenses and history, at no cost to the Town.

Dated: April 14, 2010

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 14th day of April 2010.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that correspondence dated April 6, 2010 from Timothy E. Keef, P.E., Commissioner of Public Works, concerning surplus vehicles, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby declares the vehicles referenced in the above correspondence to be surplus and directs that they be disposed of at auction.

Dated: April 14, 2010

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 14th day of April 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 14, 2010, from Ramsey A. Boehner, Executive Secretary of the Planning Board, concerning the Planning Board's Advisory Report regarding the request by the developer, Anthony J. Costello & Son Developers, for modification of the Town Board's prior incentive zoning and rezoning resolution, dated March 25, 2009, for the project known as The Reserve, be received and filed and referred to the Public Works and Public Safety Committees of the Town Board for further review and recommendation.

Dated: April 14, 2010

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

April 14, 2010

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

RE: Planning Board advisory report regarding modification to the Rezoning Incentive Zoning Resolution dated March 25, 2009 for "The Reserve".

Dear Board Members:

The Brighton Planning Board reviewed the above referenced matter and offers the following comments:

General Comments

The primary incentive provided to the applicant as part of the Incentive Application for "The Reserve" was the rezoning of the entire property to Waterfront Development (WD), which provides for a much higher density of development than under other residential zoning districts in the Town. The amenities offered to the Town of Brighton are intended to offset this incentive. The applicant is now requesting that the Rezoning Incentive Zoning Resolution adopted by the Town Board on March 25, 2009 be modified to allow the project's amenities to be phased over time. The Planning Board is concerned that the value of the amenities will be devalued if they are spread out over time and may not adequately offset the impacts of the rezoning, which is still proposed to occur at the project onset. It is recommended that the applicant be requested to offer additional amenities to make up for the devaluation of the amenities package or the rezoning of the property be phased to coincide with the phased provision of the amenities.

As aspects of the project are not to be built in the near future, phasing the disturbance of the site and construction of the project is appropriate. A detailed phasing plan is needed to properly determine the appropriateness of the proposed phasing. The phasing plan should address utilities, sanitary sewer, storm water control, roadway construction, site disturbance and earthwork, and landscaping and buffers. It is also important to know if the applicant proposes to sell or remove topsoil from the site during any phase of construction.



When the Environmental Impact Statement (EIS) was prepared and reviewed for this project it was proposed that construction would be done in a single phase. The applicant should be required to submit detailed verification that the requested phasing and modifications are consistent with the EIS prepared for this project and the Finding Statement adopted by the Town Board.

Comments Schedule C-1

- Condition 1. The applicant is requesting to be allowed to furnish a letter of credit in an amount that represents the current, estimated cost of the local share of these improvements and is at least 50 percent of the state grant amount. The grant funds for the canal improvements will expire if the proposed improvements are not completed by the end of June 2010. At this time, the construction of the improvements has not commenced. The applicant should be required to provide a letter of credit in the full amount of the improvements associated with the Canal prior to any amendment to the zoning map.
- Condition 2. The applicant is requesting to be allowed to pay the \$290,000 in equal annual payments over a seven-year period. Under this scenario the Town will not receive the benefit of accrued interest.

Comments Schedule C-2

- Condition 11. The applicant is requesting to be allowed to phase specific improvements outlined in their February 11, 2010 letter. The Planning Board recommends that the following improvements should be completed prior to the issuance of any certificate of occupancy for the project:
- a. Redevelopment of the canal access parking lot;
  - b. Improvements to raise the profile of the existing stone dust in the southwest corner of Meridian Center Park;
  - c. Surface treatment of and re-striping to a 3-lane section of Clinton Avenue between Sen. Keating and Brighton-Henrietta Town Line Road;
- and

The provision of a second means of emergency access to the site should be reviewed by the Public Safety Committee in terms of timing.

- Condition 12. The applicant is requesting to be allowed to furnish the letter of credit for the improvements required under Condition 11. at the time of construction. A Letter of credit for improvements (11.a., b., and c.) noted above should be furnished prior to the issuance of any permits for the site in a form. by an entity and in an amount approved by the Town.

Comments Schedule 0-2

Condition 2. The "Welcome Center" should not be allowed to be located within the right-of-way of the proposed public street. The proposed location of the "Welcome Center" gives the impression that the proposed project is a "Gated Community" and that the public roadway is privately owned. Furthermore, there are liability and logistical issues of having a private structure situated within the roadway.

Condition 4. The applicant requests that the proposed clubhouse be allowed to reach a maximum height of up to 60 feet. The applicant should verify that the height of the loft buildings above the existing and proposed grade, used as a reason to increase the clubhouse height, is consistent with the information presented in the Environmental Impact Statement prepared for the project.

In closing, additional specific information, especially with respect to the planned phasing, is required from the applicant to be able to fully assess this request and provide advice to the Town Board.

Respectfully Submitted,



Ramsey A. Bochner  
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 14th day of April 2010.

**PRESENT:**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that a memorandum dated April 5, 2010 from Sue Gardner Smith, Brighton Farmers' Market Manager concerning a request to submit a grant application, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes Sue Gardner Smith, Brighton Farmer's Market Manager, to seek a grant from the Greater Rochester Health Foundation for a program at the Brighton Farmers' Market designed to encourage children to eat more fruits and vegetables.

Dated: April 14, 2010

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 14th day of April 2010.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that a memorandum dated April 7, 2010 from Paula A. Parker, Director of Finance, concerning the Trustee for Veteran's Memorial Project funds, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town to serve as the Trustee for funds generated from the Veteran's Committee fund raising programs for the proposed Brighton Veteran's Memorial; and be it further

**RESOLVED**, that the Town Board hereby directs that all such funds be deposited in the Trust and Agency Fund, monitored by the Finance Department and restricted to funding the Brighton Veteran's Memorial Project.

Dated: April 14, 2010

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 14th day of April 2010.

**PRESENT:**

SANDRA L. FRANKEL,  
Supervisor

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

**RESOLVED**, that correspondence dated April 2010, from A. Kevin Crawford, Executive Director of the New York Municipal Insurance Reciprocal, concerning the 2010 New York Municipal Insurance Reciprocal annual meeting notice, be received and filed; and be it further

**RESOLVED**, that Supervisor Frankel is hereby authorized to execute and deliver a Proxy and Attendance Card for the New York Municipal Insurance Reciprocal 2010 annual meeting on behalf of the Town of Brighton.

Dated: April 14, 2010

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 14th day of April 2010.

**PRESENT :**

SANDRA L. FRANKEL,

Supervisor

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

Councilpersons

**RESOLVED**, that correspondence dated April 6, 2010 from Pat A. Inzer, Secretary, West Brighton Fire Department, Inc., concerning new members in the West Brighton Fire Department, Inc., be received and filed; and be it further

**RESOLVED**, that the Town Board hereby confirms the membership of Michael D. Diegert, Stephen J. Hill and Ian J. Whalen as members of the West Brighton Fire Department, Inc.

Dated: April 14, 2010

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