

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 22, 2010

**PRESENT:**

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

William Moehle, Attorney for the Town

Susan Kramarsky, Town Clerk

**MEETING CALLED TO ORDER: 6:30 PM**

**EXECUTIVE SESSION:**

Motion by Councilmember Louise Novros seconded by Councilmember Ray Tierney to go into executive session to discuss Farash certiorari litigation matter at 6:30PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Louise Novros seconded by Councilmember Ray Tierney to come out of executive session 6:55 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**RECOGNITIONS/PRESENTATIONS:**

Honorable Susan Kramarsky, Brighton Town Clerk - Swearing in of Sgt. Charles David Catholdi to rank of Lieutenant with the Town of Brighton Police Dept

September 19<sup>th</sup> – 25<sup>th</sup> is Deaf Awareness Week – Presentation by Jon Furman (Town of Brighton Communications Intern) & Proclamation to the Town of Brighton's Deaf Community

**OPEN FORUM:**

Judy Schwartz  
Paul Holohan  
Paul Horowitz  
Patrick Kelly  
Roger Cicarelli  
Shirley Jacobsen  
Carl Ost  
Ken Worzoka  
Danny Daniele  
Paul Horowitz  
Juan Navarez  
Jerry Goldman  
Mario Danile  
Brijen Gupta  
Marge Alaimo  
Don Karal  
Danny Daniele  
Paul Holohan

**APPROVAL OF AGENDA:**

Motion by Councilmember James Vogel seconded by Councilmember Ray Tierney to approve the Agenda with the addition of 3 items of communication

**BIDS:**

**MATTER RE:** Authorize solicitation of bids for uniform cleaning services to be provided to the Brighton Police Department for the year 2011 (see Resolution #1 and letter dated September 7, 2010 from Mark Henderson, Town of Brighton Chief of Police).

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. 1 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize bid award to Building Innovation Group, Inc. to replace metal Maintenance Building at Buckland Park, which was destroyed in a 2009 wind storm, at a bid price of \$84,243.00 (see Resolution #2, letter from Jerry LaVigne, Director of Parks & Recreation for the Town of Brighton dated September 14, 2010, and bid submission pricing information).

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. 2 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**COMMUNICATIONS:**

**FROM** Judy Schwartz, regarding proposed Car Wash

**FROM** Paul Holohan, regarding proposed Car Wash

**FROM** Patrick Kelly regarding proposed Car Wash

**FROM** United States Senator Kirsten E. Gillibrand dated August 25, 2010 to Supervisor expressing her appreciation for Supervisor's support and help in arranging the Senator's address at the Brighton Sr. Center and for all the work that the Town of Brighton is doing at the Center to improve the quality of life for Brighton Seniors.

**FROM** The League of Women Voters Local Government Committee; Announcement of Forum to be taking place on October 7, 2010 at 7:00 p.m. at the Brighton Town Hall Auditorium regarding Re-districting 2011.

**FROM** Barbara Boyarski, V.P. of Marketing for American Water Resources of New York to Supervisor, dated September 3, 2010 and follow up letter communication from same, dated September 16, 2010 advising of mailing that will soon be sent to Brighton homeowners concerning their ownership of water service lines installed on their property and what their responsibilities are relating to costs for any needed repairs that could arise in the future as owners of same.

**FROM** Paul and Phyllis Horowitz dated September 10, 2010 to the Town Board members thanking them for not approving the request by Tops Markets, LLC for a fueling station but encouraging them to continue with their Store improvement plans.

**FROM** Ann Marie Sanders, Secretary-Board of Directors of the Downstairs Cabaret Theatre dated September 9, 2010 notifying Supervisor that they will be applying for an *On-Premises liquor license* for their property located at 3450 Winton Place.

**FROM** United States Senator Kirsten E. Gillibrand dated August 25, 2010 to Douglas Clapp, Town of Brighton Communications Director expressing her appreciation for his help in arranging the Senator's visit at the Brighton Sr. Center that took place on August 17, 2010.

**FROM** Carl Ast, Transportation Group Manager for T.Y. LIN International Engineering firm dated September 9, 2010 to Sheila Gaddis regarding the Public Works Committee meeting held on September 7, 2010 concerning the proposed Car Wash at 2875 Monroe Avenue and their attendance at same.

**FROM** David J. Swarts, Chair & Commissioner of State of NY Governor's Traffic Safety Committee dated September 10, 2010. Notification of STEP (Selective Traffic Enforcement Program) Grant Award in the amount of \$9,860. Final approval from the NY State Office of the State Comptroller is pending.

**FROM** Carol A. Trapasso dated September 17, 2010 to Supervisor complimenting on the excellent customer service provided to her by Trasey Major, a Town of Brighton Dept. of Public Works employee.

**FROM** Geoff Benway, Chairman of the Stormwater Coalition of Monroe County dated September 2, 2010 to Supervisor highlighting the organizations 2009 Projects, Programs and Accomplishments.

**FROM** Timothy Frelier, P.E., Associate Engineer, Monroe County Dept. of Transportation to Dr. Holub, with c.c. to Supervisor Frankel, dated September 16, 2010 re: narrowing of road shoulder at intersection of Edgewood Avenue at French Road.

**FROM** Anna Sears, dated September 22, 2010 to Supervisor thanking her for her support and comments at the forum held on September 21, 2010 at the Brighton Town Hall concerning Hydrofracturing and the Marcellus Shale.

**FROM** NYSEG/Rochester Gas & Electric News Release dated September 22, 2010 concerning the reopening of NYSEG's and RG&E's residential gas rebate program on October 1, 2010.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

### **COMMITTEE REPORTS:**

Community Services – Councilmember Louise Novros reported on meeting of September 16  
 Finance and Administrative Services – Councilmember Sheila Gaddis reported on meeting of September 2  
 Public Safety Services – Councilmember Ray Tierney reported on meeting of September 14  
 Public Works Services – Councilmember James Vogel reported on meeting of September 7

### **OLD BUSINESS:**

**MATTER RE:** Incentive Zoning Application for proposed Car Wash located at 2875 Monroe Avenue submitted by owner, 2875 Monroe Avenue, LLC. (see Resolution #11, Proposed Incentives and Negative Declaration dated August 11, 2010); and Receive and File letter from Anthony J. Daniele to Tim Keef with communication from Sonny's The Car Wash Factory regarding Carwash System capacity (speed of carwash).

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. 3 attached.

UPON ROLL CALL VOTE the FOLLOWING VOTE WAS RECORDED:

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

MOTION 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 claims as set forth in Exhibit No. 4 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Presentation of the Supervisor's 2011 Preliminary Operating and Capital Improvement Budgets for the Town of Brighton to members of the Town Board.

Motion by Councilmember Sheila Gaddis seconded by Councilmember James Vogel to receive and file the preliminary budget.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set Public Hearing Dates for October 13, 2010 and October 27, 2010 at 7:30 p.m. for presentation and consideration to adopt Supervisor's 2011 Town of Brighton Preliminary Operating and Capital Improvement Budgets (see Resolution #6).

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 Public Hearing Dates for October 13, 2010 and October 27, 2010 at 7:30 p.m. for presentation and consideration to adopt Assessment Rolls for Service Charges, Maintenance Charges, Capital Improvements and Sewer Rent Charges for Special Improvement Districts within the Town of Brighton (see Resolution #7)

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. 6 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Set Public Hearing Dates for Wednesday October 13, 2010 and Wednesday, October 27, 2010 at 7:30 PM to consider Agreements between the Town of Brighton and West Brighton Fire Dept., and the Town of Brighton and the City of Rochester, for fire protection services within the West Brighton Fire District during 2011 (see Resolution #8).

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel that the

that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 7 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Receive and File Final Generic Environmental Impact Statement for proposed Citygate project, Anthony J. Costello and Son; project sponsor.  
Motion made by Councilmember James Vogel seconded by Supervisor Sandra Frankel to receive and file Final Generic Environmental Impact Statement for proposed Citygate project. Motion withdrawn, no action taken

**MATTER RE:** Authorize approval for Supervisor to execute professional services agreement between the Town of Brighton and Harris Beach, PLLC for legal bond counsel services associated with the advance refunding of the Town of Brighton's 1999 Public Improvement Serial Bonds (see Resolution #10 and memo dated September 20, 2010 from William Moehle, Brighton Town Attorney).

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. 8 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval for Supervisor to execute proxy for two new additional coverage options that would be available through the New York Municipal Insurance Reciprocal group (see Resolution #3, letter dated September 8, 2010 from Kevin Crawford, Executive Director-NYMIR and proxy voting form).

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. 9 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Appointment of Sgt. Charles David Catholdi to the rank of Lieutenant within the Brighton Police Dept. a position vacated by Robert Cline through his promotion from Lieutenant to Captain (see Resolution #4 and letter dated September 10, 2010 from Mark Henderson, Town of Brighton Chief of Police).

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. 10 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute Service Agreement with EBS/RMSCO to provide COBRA compliance services through Brown & Brown (see Resolution #5 and letter from Gary Brandt, Town of Brighton Director of Personnel dated September 15, 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. 11 attached.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize Supervisor to execute Agreement with EBS/RMSCO to prepare amendment to Town of Brighton's Healthcare Flexible Spending Plan and distribute summary description to all of its' plan participants, as per the new Federal Health Care Reform Law. (see Resolution #13 and letter dated September 22, 2010 from Gary Brandt Town of Brighton Director of Personnel).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MATTER RE:** Authorize approval for Supervisor to declare October 1, 2010 through October 10, 2010 as the Special Events period for 2010, in conjunction with the Brighton Chamber of Commerce and Brighton Central School's Homecoming celebration, pursuant to article VII of Chapter 207 of the Brighton Town Code (see Resolution #9).

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

**MATTERS OF THE SUPERVISOR:**

**MATTER RE:** Revenue & Expense Reports for period ending August 31, 2010.

Motion by Councilmember Ray Tierney seconded by Councilmember James Vogel to receive and file the aforementioned reports

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

**MEETING ADJOURNED:**

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel to adjourn at 12:25 AM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

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 22nd September 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 22<sup>nd</sup> day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated September 7, 2010, from Mark T. Henderson, Chief of Police, concerning a contract for police uniform cleaning, be received and filed; and be it further

**RESOLVED**, that the Chief of Police is hereby authorized to solicit bids for the cleaning of police uniforms during 2011, with an option to renew for up to four (4) additional calendar years.

Dated: September 22, 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 22<sup>nd</sup> day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated September 14, 2010, from Jerry LaVigne, Director of Parks and Recreation, concerning bids for replacing the maintenance building at Buckland Park, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Town Board hereby awards the bid to reconstruct a maintenance building at Buckland Park to Building Innovation Group, Inc., at a bid price of \$84,243.00.

Dated: September 22, 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 22nd day of September 2010.

**PRESENT:**

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

**WHEREAS**, 2875 Monroe Avenue, LLC (the Applicant) owns that certain property located at the southwest corner of Monroe Avenue and Clover Street, tax account #150.07-2-19, known as 2875 Monroe Avenue (the Property); and

**WHEREAS**, Applicant has submitted an Incentive Zoning Application (the Application), seeking to permit such Property to be used as a car wash (the Project), which is not a permitted use within the BF-2 General Commercial zoning district in which the property is located, and seeking certain other incentives to modify various Town of Brighton Code (the Code) requirements, in order to develop the Project on the Property; and

**WHEREAS**, the proposal was referred to the Planning Board for its review and recommendations, and the Planning Board issued an advisory report on the project on November 18, 2009, all pursuant to the provisions of Chapter 209 of the Code; and

**WHEREAS**, following the initial Planning Board report, Applicant submitted additional information to the Planning Board, which issued a supplemental advisory report concerning the Project; and

**WHEREAS**, in response, the Applicant submitted three alternative proposed concept site plans, which were reviewed by the Planning Board on February 10, 2010 and March 17, 2010; and

**WHEREAS**, the applicant submitted a traffic report prepared by its consultant FRA Engineering, dated March 2010, to the Planning Board;

and

**WHEREAS**, following the alternative concept site plan and traffic study submissions by the Applicant, the Planning Board issued its second supplemental advisory report, dated March 23, 2010, which recommended that the Town Board hire a third party traffic engineer to review the FRA traffic report, and further request that the Town ask the State Department of Transportation to review the FRA report, and also recognized the desirability of developing the parcel, while expressing concerns with the aesthetics of the Proposal and recommending that the Planning Board be granted the authority to review and approve the site plan for the Project, so it could attempt to further mitigate its concerns; and

**WHEREAS**, in response to the recommendation of the Planning Board, the Town Board asked the State Department of Transportation to review the FRA Engineering traffic report and further directed that Stantec Consulting Services, Inc. be retained by the Town, with the expense thereof reimbursed by the Applicant, to also review the FRA traffic report on behalf of the Town; and

**WHEREAS**, David C. Goehring, P.E., New York State Department of Transportation Region 4 Regional Traffic Engineer submitted a comment letter, dated April 26, 2010 to Carl Ast, FRA Engineering, who submitted supplemental traffic information in a memorandum dated June 2, 2010; and

**WHEREAS**, William C. Holthoff, Principal at Stantec issued its Review of Monroe Avenue and Clover Street Car Wash TIS, dated June 8, 2010, which made various comments concerning the traffic impacts and made various recommendations and observations concerning traffic issues; and

**WHEREAS**, the Town Board duly called a public hearing to consider the Project, which public hearing was held on July 14, 2010 and continued on July 28, 2010, at which time all persons having an interest in the Project had an opportunity to be heard therein; and

**WHEREAS**, following the July 14, 2010 public hearing, the applicant submitted additional requested information related to the project, and environmental and traffic issues related thereto, by correspondence dated July 20, 2010; and

**WHEREAS**, applicant submitted an Environmental Assessment Form under the State Environmental Quality Review Act for the project, and after a hard look at all relevant impacts of the Project and the Environmental Assessment Form, the Town Board acting as Lead Agency under SEQRA, has determined that the Project will not have a significant adverse environmental impact.

**NOW THEREFORE**, on motion of Councilperson \_\_\_\_\_, seconded by Councilperson \_\_\_\_\_, it is

**RESOLVED**, that email correspondence dated September 21, 2010 from Mario Daniele, principal of the Applicant, together with correspondence dated September 14, 2010 from Jon Simmons, Northeast Regional Manager, Sonny's Enterprises, Inc., both concerning the capacity of the car wash proposed for the property in question, be received and filed; and be it further

**RESOLVED**, that based on the findings that the Project will not cause a significant environmental impact, the Town Board hereby approves and issues the Negative Declaration under SEQRA, in the form attached hereto as Schedule A; and be it further

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

1. That the Town Board can not find a suitable community benefit on site of sufficient magnitude to provide sufficient public benefit to provide the requested incentive, and therefore has determined that it will require a cash payment in lieu of a portion of the provision of an amenity, pursuant to Section 209-6 of the Town Code.

2. The Project, together with the proposed amenities to be granted to the Town by applicant in connection therewith, will assist

the Town to implement the specific physical, cultural and social policies of the Comprehensive Plan of the Town, including the following:

a. The receipt of a cash amenity from the Applicant, which will be used by the Town in connection with implementing the recommendations of the Monroe Avenue charrette, or to otherwise benefit the Town and its residents.

b. Permit quality commercial development that will help provide a sound economic base for the Town and not compromise other community goals.

c. Provide a high quality of service to Town property owners and residents while containing service costs to control tax impacts.

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

4. The Application, as amended, will provide sufficient public benefit to provide the requested incentives; and it is further

**RESOLVED**, that pursuant to the authority conferred by the Municipal Home Rule Law, Article 16 of the Town Law of the State of New York, and Chapter 209 of the Town Code of the Town of Brighton, that the Application, as amended, be and it hereby is approved to the extent set forth in Schedule B and subject to the conditions set forth in Schedule B at the times set forth therein for each condition; and be it further

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

**RESOLVED**, that subject to the conditions set forth in Schedule B attached hereto, this Resolution shall take effect upon due publication and posting thereof as required by law.

Dated: September 22, 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	_____

**2875 Monroe Avenue LLC – Car Wash Incentive Zoning Application**  
**Language for Town Board Resolution**  
**SEPTEMBER 22, 2010**  
**(FINAL)**

2875 Monroe Avenue, LLC, together with its successors and assigns (the Applicant) requests incentive zoning approval to allow the construction of a “Royal Carwash” facility at the current vacant Mobil gas station site located at the southwest corner of Monroe Avenue and Clover Street. The applicant proposes to demolish the existing building.

**INCENTIVES**

The following incentives are being requested by the applicant:

1. An incentive to allow the car wash use in the BF-2 General Commercial District in which the site is located ( Code Section 203-74) (All references to the Code herein shall be deemed to be references to the Brighton Town Code).
2. An incentive to allow the building front setback to be 42.3 feet instead of the 60 feet required by code (Code Section 205-7).
3. An incentive to allow stacking lane to be located in the front yard and within five feet of the side and rear property lines whereas the Code does not allow front yard stacking lanes and requires a ten foot setback when abutting a non-residential zone (Code Sections 205-18(B) and 207-14.3 (D1 and D3)).
4. An incentive to allow the building to be located 16’ from the south property instead of the 20 feet required by code (Code Section 205-7).
5. An incentive to allow two wall mounted business identification signs (1 each on the Monroe Avenue and Clover Street sides of the building) where the code allows a single sign facing the principal entrance (Code Section 207-32(B)(1)).
6. An incentive to allow two access points (Monroe Avenue and Clover Street) to the subject parcel (Code Sections 207-16(A)(4) and (5)).
7. An incentive to allow only four parking spaces to be provided on the subject parcel (Code Section 205-12).
8. An incentive to allow drive-thru lanes to interfere with parking and vehicle circulation (Code Section 207-14.3(F)(3)).
9. An incentive to allow a portion of the drive-thru lanes to be 9 feet instead of 12 feet as required by code (Code Section 207-14.3(D)(5)).

### **INCENTIVES (continued)**

10. An incentive to allow a 5' pavement setback in front, side and rear yards instead of a 20' pavement setback in the front yard and a 10' pavement setback in the side and rear yards (Code Sections 205-18(B) & 207-14.3 (D)(4).)

### **AMENITIES**

The applicant proposes a cash amenity of \$50,000 to be utilized at the Town's discretion for any purpose identified by the Town, however, applications benefiting the vicinity of Monroe Avenue and Clover Street should be considered. \$25,000 shall be paid to the Town prior to issuance of a building or demolition permit for the project upon approval of this incentive zoning request. The remaining \$25,000 shall be paid to the Town six months thereafter. A letter of credit shall be provided to the Town as beneficiary in the amount of \$25,000 as surety for payment of the second \$25,000, prior to issuance of a building or demolition permit for the project. The letter of credit will be released upon receipt of said second payment. The letter of credit shall be in a form and by an entity approved by the Town.

The Applicant will promptly apply for and use its best efforts to secure a permit from the NYSDOT and if such permit is granted, maintain the median island in the Right of Way on Monroe Avenue between Westfall/Allens Creek Road and Clover Street, and the I-590 exit ramp islands at Monroe Avenue, including but not limited to landscaping and weed removal and be responsible for weed removal and maintenance from the Monroe Avenue right of way at and adjacent to the I-590 overpass at Monroe Avenue, all in accordance with Town of Brighton policy.

### **CONDITONS**

- 1) The Applicant shall make application to the Planning Board for the necessary approvals for the project.
- 2) The Applicant shall make application to the Architectural Review Board for the necessary approvals for the project. Following approvals from the Planning Board and the Architectural Review Board, the Applicant shall promptly apply for a demolition permit from the Town for the demolition of the existing building on the property, and shall use its best efforts to cause such building to be demolished within ten (10) days after such approvals are granted and the time for appeal for such approvals has expired.
- 3) Signage for the project (identification or otherwise) shall be subject to the review and approval of the Planning Board and Architectural Review Board (1 each on the Monroe Avenue and Clover Street sides of the building). The total combined area of the two area of both signs shall not exceed 10% of the first floor area of the building face or 150 square feet, whichever is less. The vertical projection to be used in calculation of the first-floor building face is 15 feet.
- 4) Hours of operation shall be not earlier than 7:00 A.M nor later than 9:00 P.M. on any day.
- 5) The Applicant shall procurement all NYSDOT permit(s).

## **CONDITONS (continued)**

6) Curb cuts shall be modified per the June 17, 2010 plans and these conditions or as required by NYSDOT.

7) Applicant shall install signage on site and shall apply to the NYSDOT for and use its best efforts to obtain permission to post signage in the Monroe Avenue right of way conspicuously visible to westbound Monroe Avenue traffic, indicating that no left turns will be permitted into the car wash from westbound Monroe Avenue. The Monroe Avenue driveway should be located as far to the west as possible and designed to physically deter westbound traffic entering from Monroe Avenue and vehicles exiting onto Monroe Avenue.

8) There shall be one ingress lane and two egress lanes (one for left turns, one for right turns) from Clover Street. The Clover Street driveway should be located as far to the south as possible with one 12 foot wide entering lane and two 12 foot wide exiting lanes. The impact of left turns onto Clover Street condition shall be re-evaluated by the Brighton Police Department every six months during the first year of operation and annually thereafter, but in any event, sooner by request of the Town Board should circumstances warrant, with regard to traffic safety. The Town Board shall also have the discretion to request one or more additional traffic studies from the NYSDOT and the Applicant shall cooperate in such studies. The Clover Street egress condition may be modified at the sole discretion of the Town Board based upon recommendations of the Brighton Police Department following any such re-evaluation, and/or the NYSDOT.

9) There shall be a minimum of two people staffing the facility at all times the car wash is open for business, or temporarily closed due to excess traffic stacking, and additional people as on site operations warrant, all who shall be trained in the operation of the car wash and subsequent necessary action(s), emergency or otherwise, to direct, control and supervise on site traffic to assure the safe and orderly movement of vehicles including the monitoring and closure of the entrances as required by these conditions during peak times when the demand exceeds the capacity of the operation. Said staff shall be knowledgeable, at a minimum, of maximum stacking permitted (not more than 30 vehicles), closure of entrances, current vehicle wait time, emergency exit protocol, site/highway management at times of peak demand and any other precautionary action necessary for the operation of the facility. The Applicant shall develop a training and reference manual for the facility, a copy of which shall be provided to the Town. All new employees staffing the facility shall receive adequate training prior to staffing the facility. There shall be gates at the Monroe Avenue and Clover Street ingress lanes, that can be operated either manually or from the car wash facility. The gates shall bear signs visible from the street, not less than 4 square feet in size, indicating that the car wash is full or closed, when the gates are closed. Applicant shall close the gates at any time the car wash is at or near stacking capacity, and shall not reopen the gates until there is room for at least ten (10) vehicles. The ingress and egress lanes on Clover Street shall be separated by a median. Once the gates on Monroe Avenue and Clover Street are closed, vehicles shall not be permitted to re-enter the car wash until there is room for a combined total of ten (10) vehicles.

10) The storage of snow on site shall be done so to afford maximum safety and sight distance for entering and exiting drivers and drivers turning at the intersection of Monroe Avenue and Clover Street. If it becomes necessary to remove stockpiled snow from the site, it shall be done so without delay.

**CONDITONS (continued)**

- 11) Landscaping and buffering of the site, including that of and for adjacent properties shall be in accordance with the requirements of the Planning Board.
- 12) The project shall meet the federal, state and local regulations for stormwater management.
- 13) The project shall demonstrate that the effluent discharged to the sanitary sewer conforms to the requirements of the Town Sewer Use Law, as well as that of the County., and that the volume to be discharged does not adversely affect the maximum capacity of the sanitary sewer that serves the site.
- 14) The project shall use water saving and recycling equipment that filter and reuse the water being supplied to the site prior to its discharge at least to the extent indicated in the application and supporting materials.
- 15) That prior to the issuance of any permit(s) for the site, the Applicant shall execute and deliver a standby PILOT agreement. Said agreement shall provide for the continued payment by the Applicant, and/or their successors and/or assigns of all Mortgage Tax, Sales Tax, and Town and School District property taxes, even if the project is acquired by a tax-exempt entity or granted other tax exemptions.
- 16) The Applicant agrees to follow any recommendations of the NYSDOT contained in its Traffic Safety Study for Monroe Avenue in the area between the I-590 interchange and Clover Street, except to the extent such recommendations permit lesser conditions regarding traffic from the car wash than those set forth herein.
- 17) The Applicant will cooperate with the Town of Brighton with regard to recommendations of the Monroe Avenue Charrette.
- 18) In the event Applicant violates any of the conditions set forth herein, Applicant agrees to pay a penalty of Five Hundred Dollars (\$500.00) for the first such violation in any two (2) year period, One Thousand Dollars (\$1,000.00) for the second such violation during any such period, and Two Thousand Five Hundred Dollars (\$2,500.00) for the third and each additional such violation during any such period. Each day a violation of these conditions continues shall be considered a separate violation. In addition, if the Applicant commits three or more violations during any two (2) year period, which it fails to cure promptly upon notice thereof or if the Applicant fails to pay any penalty levied by the Town hereunder, the Town Board may, by majority vote following at least ten (10) days' written notice to Applicant, and public hearing, rescind the incentive zoning approval granted hereunder, in which case, the Applicant shall immediately cease operations as a car wash.

REVISED 11/5/10  
rec'd 11/5/10  
TC  
Ann Ramsey  
Boehner  
Kedace  
TB minutes  
packet

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** ER-5-10

**Date:** August 11, 2010

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

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

**Name of Action:** Royal Car Wash

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Incentive Zoning approval to construct a car wash

**Location:** 2875 Monroe Avenue, Town of Brighton, Monroe County, New York

**Reasons Supporting This Determination:**

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

1. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. No threatened or endangered species of plants or animals will be affected by this project.
3. The site will be serviced by sanitary sewers and public water. There appears to be adequate capacity to service the proposed development.
4. The storm water drainage system is designed and will be constructed in accordance with all applicable Town requirements and designed in a manner so as to mitigate storm water pollutant loads.

5. The applicant has submitted a memorandum prepared by Joesph C. Ardieta, P.E., Corneles Engineering, P.C. to Jerry Goldman, Fix Spindelman, dated 6/21/10 that states that "A water service is on the site. This project will utilize water-saving devices that filter and re-use supplied water. Given this technology, the demand from water supply will be reduced to the level of other conditionally permitted uses." The memorandum also states that "Two sanitary sewer laterals are on site. The same water-saving technology will reduce the demand on sanitary sewer facilities to the level of other conditionally permitted uses."
6. The applicant has submitted a Traffic Impact Study, prepared by FRA Engineering, dated March 2010. The study discusses:

"two proposed scenarios with slightly different site layouts and site access. For Scenario 1, access to the site includes a right-in only access from eastbound Monroe Avenue and a fully-directional driveway from Clover Street with two exiting lanes and one entering lane separated by a curbed median for the site driveway. Scenario 2 provides only one right-in only driveway access to the site from Clover Street with two exiting lanes. Northbound left turns will be prohibited at all times."

The study also concludes and recommends:

"Scenario 1 with right-in access from Monroe Avenue and a full-directional driveway on Clover Street will operate satisfactorily with the proposed development. Similarly, Scenario 2 with a right-in only entering and two-lane exit, with prohibited northbound left turns on Clover Street will also operate satisfactorily with the proposed development.

For both of these scenarios, sufficient gaps in traffic and satisfactory level of service at the Clover Street access driveway will be realized with the proposed development. Even the highest use projection for both scenarios provides satisfactory operation of the driveways for the proposed car wash development and maintains the Level of Service at the Monroe Avenue and Clover Street intersection. This highest use projection will utilize about two thirds of the planned storage capacity of the internal driveway, which can stack 37 vehicles, so there is sufficient capacity for additional vehicles beyond the highest use projection. In the very rare case that traffic exceeds the on-site stacking capacity; the car wash operators would prohibit access to the site.

As noted in the report, the previous use on the site, which was a gasoline fueling station, generated over one and a half times the traffic anticipated for this proposed car wash development."

The following is a summary of recommended improvements to accommodate the proposed development of Scenario 1:

“Clover Street @ Monroe Avenue

\_\_\_\_\_ No mitigation needed

Clover Street @ Future Site Driveway #1

Provide two exiting lanes.

Monroe Avenue @ Future Site Driveway #2

Restrict driveway to right-in operation only with the construction of an angled driveway at the approach to only allow a right-in turning movement. In addition, this would also include the posting of no left-turn signs at the site driveway for further emphasis.“

7. The Town of Brighton’s traffic engineer Stantec Consulting Services Inc. reviewed the Traffic Impact Study and related documents. In Stantec’s review and comment letter from William C. Holtoff, Stantec Consulting Services Inc. to Tim Keef, Commissioner of Public Works, dated June8, 2010 it was concluded that:

“This is a very difficult site to develop given its size and location adjacent to a poor functioning intersection. In addition, there are few gaps in the Clover Street traffic stream for exiting left turn vehicles. Thus, exiting left turn vehicles may experience very long delays. Given the reduction in the number of full access driveways (in comparison to its previous use - gas station) and that the volume of traffic generated, the potential for traffic accidents should be less than previously experienced. On site storage appears to be adequate for typical days; however, there may be overflow during seasonally high times which may back out into the public street and block travel lanes.”

8. The New York State Department of Transportation (NYSDOT) reviewed the Traffic Impact Study prepared by FRA Engineering. A letter from David C. Goehring, P.E., Regional Traffic Engineer to Carl Ast, FRA Engineering dated April 26, 2010 states:

“We recommend Scenario 1 with the proposed right-in-entrance-only driveway on Route 31 located as west as possible and designed to physically deter entering left turns and exiting vehicles. The Route 65 driveway should be located as far to the south with one 12 foot wide entering lane and two 12 foot wide exiting lanes. We also concur that the traffic impacts of this project do not warrant traffic mitigation at the Route 31 and Route 65 intersection.”

9. The New York State Department of Transportation also reviewed the June 8, 2010 comment letter prepared by William C. Holtoff, Stantec Consulting Services Inc. A letter from David C. Goehring, P.E., Regional Traffic Engineer to Tim Keef,

Commissioner of Public Works dated June 17, 2010 states:

“We concur with the comments made and the conclusion drawn. As per our previous comments, we believe that Scenario 1 is the most appropriate access for this site. This site alternative also addresses the pattern of accidents found as part of our safety study of Route 31 from Clover Street to I-590. Our study is finding that accidents turning left into and left out of driveways along Monroe Avenue are predominant. This plan eliminates lefts into the site and all existing traffic onto Monroe Avenue thereby reducing the potential for accidents at least at this one location.”

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

For further information:

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

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

Telephone: (585)784-5229

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Project Number:** ER-5-10

**Date:** August 11, 2010

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

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

**Name of Action:** Royal Car Wash

**SEQR Status:** Unlisted

**Conditioned Negative Declaration:** No

**Description of Action:** Incentive Zoning approval to construct a car wash

**Location:** 2875 Monroe Avenue, Town of Brighton, Monroe County, New York

**Reasons Supporting This Determination:**

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

1. Soil erosion control measures will be implemented during and after construction based upon a detailed grading and erosion control plan.
2. No threatened or endangered species of plants or animals will be affected by this project.
3. The site will be serviced by sanitary sewers and public water. There appears to be adequate capacity to service the proposed development.
4. The storm water drainage system is designed and will be constructed in accordance with all applicable Town requirements and designed in a manner so as to mitigate storm water pollutant loads.
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Corneles Engineering, P.C. to Jerry Goldman, Fix Spindelman, dated 6/21/10 that states that "A water service is on the site. This project will utilize water-saving devices that filter and re-use supplied water. Given this technology, the demand from water supply will be reduced to the level of other conditionally permitted uses." The memorandum also states that "Two sanitary sewer laterals are on site. The same water-saving technology will reduce the demand on sanitary sewer facilities to the level of other conditionally permitted uses."

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"Scenario 1 with right-in access from Monroe Avenue and a full-directional driveway on Clover Street will operate satisfactorily with the proposed development. Similarly, Scenario 2 with a right-in only entering and two-lane exit, with prohibited northbound left turns on Clover Street will also operate satisfactorily with the proposed development.

For both of these scenarios, sufficient gaps in traffic and satisfactory level of service at the Clover Street access driveway will be realized with the proposed development. Even the highest use projection for both scenarios provides satisfactory operation of the driveways for the proposed car wash development and maintains the Level of Service at the Monroe Avenue and Clover Street intersection. This highest use projection will utilize about two thirds of the planned storage capacity of the internal driveway, which can stack 37 vehicles, so there is sufficient capacity for additional vehicles beyond the highest use projection. In the very rare case that traffic exceeds the on-site stacking capacity; the car wash operators would prohibit access to the site.

As noted in the report, the previous use on the site, which was a gasoline fueling station, generated over one and a half times the traffic anticipated for this proposed car wash development."

The following is a summary of recommended improvements to accommodate the proposed development of Scenario 1:

“Clover Street @ Monroe Avenue  
No mitigation needed

Clover Street @ Future Site Driveway #1  
Provide two exiting lanes.

Monroe Avenue @ Future Site Driveway #2  
Restrict driveway to right-in operation only with the construction of an angled driveway at the approach to only allow a right-in turning movement. In addition, this would also include the posting of no left-turn signs at the site driveway for further emphasis.”

7. The Town of Brighton’s traffic engineer Stantec Consulting Services Inc. reviewed the Traffic Impact Study and related documents. In Stantec’s review and comment letter from William C. Holtoff, Stantec Consulting Services Inc. to Tim Keef, Commissioner of Public Works, dated June 8, 2010 it was concluded that:

“This is a very difficult site to develop given its size and location adjacent to a poor functioning intersection. In addition, there are few gaps in the Clover Street traffic stream for exiting left turn vehicles. Thus, exiting left turn vehicles may experience very long delays. Given the reduction in the number of full access driveways (in comparison to its previous use - gas station) and that the volume of traffic generated, the potential for traffic accidents should be less than previously experienced. On site storage appears to be adequate for typical days; however, there may be overflow during seasonally high times which may back out into the public street and block travel lanes.”
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“We concur with the comments made and the conclusion drawn. As per our previous comments, we believe that Scenario 1 is the most appropriate access for this site. This site alternative also addresses the pattern of accidents found as part of our safety study of Route 31 from Clover Street to I-590. Our study is finding that accidents turning left into and left out of driveways along Monroe Avenue are predominant. This plan eliminates lefts into the site and all existing traffic onto Monroe Avenue thereby reducing the potential for accidents at least at this one location.”

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

For further information:

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

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

Telephone: (585)784-5229

617.20  
**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR <i>Mario Daniele</i>	2. PROJECT NAME <i>Royal Car Wash</i>
3. PROJECT LOCATION: Municipality <i>Brighton</i> County <i>Monroe</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>2875 Monroe Avenue, SE corner of Monroe Ave + Clover Street</i>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Construction of a car wash</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>.70</i> acres    Ultimately <i>.72</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <i>Requesting incentive zoning and use variance</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: <i>NYS Dept of Transportation curb cut permit</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Mario Daniele</i> Date: <i>7/27/10</i> Signature: <i>[Signature]</i>	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 See attached Negative Declaration

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 See attached Negative Declaration

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 See attached Negative Declaration

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 none

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 none

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
 none

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:  
 none

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:  
 Yes  No Traffic

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:  
 Yes  No Traffic

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

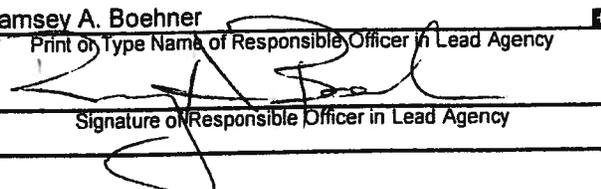
Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Brighton Town Board   
 Name of Lead Agency

8/6/10   
 Date

Ramsey A. Boehner   
 Print or Type Name of Responsible Officer in Lead Agency

Environmental Review Liaison Officer   
 Title of Responsible Officer

  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Preparer (If different from responsible officer)

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

September 22, 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>223,525.09</u>
D - HIGHWAY		<u>111,103.91</u>
H - CAPITAL		<u>3,962.80</u>
L - LIBRARY		<u>10,998.91</u>
SA - AMBULANCE DIST		<u>31,250.00</u>
SB - BUSINESS IMPROVM		<u>225.00</u>
SS - SEWER DIST		<u>62,365.24</u>
TA - AGENCY TRUST		<u>27,368.49</u>
	TOTAL \$	<u>470,799.44</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 22nd day of September, 2010.

**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 13th day of October, 2010 and the 27th day of October, 2010 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 2011 and the Capital Improvements Program for 2011 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 2011 and the Capital Improvements Program for 2011 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.

Dated: September 22, 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 22nd day of September, 2010.

**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 13th day of October, 2010 and the 27th day of October, 2010 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 22, 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 22nd day of September, 2010.

**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 13th day of October, 2009 and the 27th day of October, 2010 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 2011; 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 22, 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 22<sup>nd</sup> day of September, 2010.

**PRESENT:**

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

**WHEREAS**, the Town's financial advisor has advised the Town that it can advance refund the Town's 1999 bond issued in connection with the library expansion project, and realize significant interest savings; and

**WHEREAS**, the Town Board desires to appoint bond counsel to provide legal counsel and opinion in connection therewith; it is therefore

**RESOLVED**, that the Town Board hereby designates Harris Beach, PLLC as its bond counsel in connection with the advance refunding of the Town's 1999 bond and authorizes the Supervisor to execute and deliver a retainer agreement by and between the Town and Harris Beach, PLLC in connection therewith, which retainer agreement shall be in form and substance as may be approved by the Attorney to the Town.

Dated: September 22, 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	_____

M E M O

TO: FINANCE COMMITTEE

FROM: William W. Moehle, Esq.

DATE: September 20, 2010

RE: Bond Counsel – Advance Refunding of 1999 Library Bond

As you know, the Town's financial consultant has recommended advance refunding of the Town's 1999 Library bond, and anticipates a budget savings in excess of \$55,000. In connection therewith, we will need bond counsel services.

Pat Malgieri has served as the Town's bond counsel for all of our bond work for over 15 years, including the 1999 Library bond. He has indicated that the cost of the advance refunding would be \$5,000. He also indicated that either his firm or the underwriter's law firm would have to provide a Section 10b-5 Securities law opinion, at a cost of approximately \$2,500.

This type of issuance is quite different from our usual serial bond and bond anticipation note issuances, because of the specific tax and arbitrage issues related to advance refunding bond issues. Given that Pat provided the legal services for the original issue, I am very confident that it would cost other bond counsel firms, in or out of the Rochester area, more to get up to speed with that prior issue and provide the services required. Accordingly, I am recommending that the Finance Committee and the Town Board authorize a retainer agreement with Harris Beach to provide bond counsel, and if necessary, 10b-5 securities law services, on the advance refunding of the 1999 Library bond issue, at a cost of \$5000 for the bond work, and \$2500 for the securities law opinion, if that opinion is not provided by the underwriter (which would be at Town expense as well).

I have also received a pricing proposal from Pat Malgieri and Harris Beach for bond counsel services on traditional serial bond and bond anticipation note issuances. While his fees have remained the same for many years, I have asked Suzanne Zaso to discuss bond counsel services with other Town Finance Directors, and advise me on their pricing. I will then be in a position to either recommend entering into an open-ended agreement with Harris Beach at your next meeting, or going out for more formal quotes, if Suzanne's research indicates that we have a reasonable chance of better pricing.

Bill

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 22<sup>nd</sup> day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated September 8, 2010, from Kevin Crawford, Executive Director, New York Municipal Insurance Reciprocal, be received and filed, together with an attachment thereto; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver the New York Municipal Insurance Reciprocal Proxy form to approve offering coverage for the cost of legal defense, even where no money damages are sought by a Plaintiff, and public officials surety bond coverage.

Dated: September 22, 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 22<sup>nd</sup> day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that correspondence dated September 10, 2010, from Mark T. Henderson, Chief of Police, concerning the appointment of a Lieutenant in the Brighton Police Department, be received and filed; and be it further

**RESOLVED**, that Charles David Catholdi be promoted to the office of Police Lieutenant in the Brighton Police Department, effective September 25, 2010, on a probationary basis with a probationary period of twenty-six (26) weeks, at a current annual salary of \$93,139.

Dated: September 22, 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 22<sup>nd</sup> day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that a memorandum dated September 15, 2010, from Gary Brandt, Director of Personnel, concerning authorization to sign a Management Agreement for COBRA health insurance services, be received and filed; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver an agreement by and between the Town and EBS/RMSCO to provide compliance management services under the Consolidated Omnibus Budget Reconciliation Act (COBRA) to the Town at no cost to the Town, which agreement shall be in form and substance as may be approved by the Attorney for the Town.

Dated: September 22, 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 22<sup>nd</sup> day of September, 2010.

**PRESENT:**

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

**RESOLVED**, that a memorandum dated September 22, 2010, from Gary Brandt, Director of Personnel, concerning an amendment to the Town's Section 125 Cafeteria Plan, be received and filed; and be it further

**RESOLVED**, that the Town Board hereby authorizes EBS-RMSCO, Inc, the administrator of the Town's Section 125 Cafeteria Plan, to file the necessary amendment to the Town's Section 125 Cafeteria Plan, as required by the Patient Protection & Affordable Care Act of 2010, at a cost of \$300.

Dated: September 22, 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 22<sup>nd</sup> day of September, 2010.

**PRESENT:**

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

**WHEREAS**, the Town's Special Events Local Law authorizes the Town Board to set a period, not to exceed fourteen days in duration each year, as a Special Events period under Chapter 207 of the Town Code, during which time, various activities that would otherwise be prohibited in certain zoning districts are permitted, in order to allow businesses to engage in publicity and other activities; and

**WHEREAS**, the Town Board desires to set such dates in conjunction with the Brighton Chamber of Commerce and Brighton Central School District Homecoming celebration, which is being held October 8, 2010; it is therefore

**RESOLVED**, that the Town Board hereby designates October 1, 2010 through October 10, 2010 as the Special Events period for 2010, pursuant to Article VII of Chapter 207 of the Brighton Town Code, during which time the activities set forth in Section 207-37 of the Town Code will be permitted in the zoning districts described in Section 207-36 of the Town Code, without further reviews, approvals or permits, subject to the provisions of such Special Events Law.

Dated: September 22, 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	_____