TOWN BOARD MEETING
July 10, 2024
7:00 PM
Brighton Town Hall
2300 Elmwood Avenue

This meeting is conducted in-person with remote participation available via video conferencing at townofbrighton.org/499/Streaming-Video.

PRESENTATIONS/RECOGNITIONS:

MEETING CALLED TO ORDER:

OPEN FORUM:

APPROVAL OF AGENDA

PUBLIC HEARINGS:

MATTER RE: Public hearing on a proposed Local Law known as “A Local Law to Amend Chapter 113 of the Code of the Town of Brighton with Respect to Demonstration and Special Event Permits” (see letters dated May 22, 2024 from William W. Moehle, Town Supervisor; June 26, 2024 from Kevin McGowan, Brighton Central School District Superintendent; June 26, 2024 from Jocelyn Goldberg – Schaible; June 26, 2024 from Ed Pelta; June 26, 2024 from Shoshana Brayman; June 26, 2024 from Leah M. Goldman, Esq.; and July 2 from Gail Finkelstein).

COMMUNICATIONS FROM:

Miguel Velazquez, CEO, Rochester Genesee Regional Transportation Authority, 1372 E. Main St., Rochester, New York, 14609, dated June 3, 2024, RE: RGRTA’s 2024-2025 Comprehensive Strategic Plan and Financial Plan.


COMMITTEE REPORTS:
Community Services Committee
Finance and Administrative Services
Public Safety Services
Public Works Services

OLD BUSINESS:

NEW BUSINESS:
MATTER RE: Reading and approval of claims (Resolution #07-10-24-CLAIMS).
MATTER RE: Approve initiation of the demolition process per Town Code Chapter 51 of 185 Kimbark Road and set a public hearing on said matter (see Resolution #1 and letter dated June 25, 2024 from James P. Sprague, P.E., Commissioner of Public Works).

MATTER RE: Set a public hearing on the Incentive Zoning and Rezoning Application of Home Leasing and Providence Housing for the Westgate Apartments Project and approve the SEQR negative declaration (see Resolution #2 and letter dated July 2, 2024 from Rick Distefano, Senior Planner).

MATTER RE: Approve the Standard Work Day Reporting for elected and appointed officials (see Resolution #3 and letter dated June 27, 2024 from Daniel Aman, Town Clerk and Receiver of Taxes).

MATTER RE: Approve amendment to the Jewish Senior Life Campus Incentive Zoning approved in 2015 and the SEQR negative declaration (see Resolution #4 and letters dated July 1, 2024 from Rick Distefano, Senior Planner, and Jerry A. Goldman, Attorney, Woods Oviatt Gilman LLP).

MATTERS OF THE SUPERVISOR:

MATTERS OF THE TOWN ATTORNEY:

MATTERS OF THE TOWN CLERK:

MATTERS OF THE BOARD:

MOTION TO GO INTO EXECUTIVE SESSION:
MATTER RE: Employment and real estate.

MEETING ADJOURNED:

NEXT TOWN BOARD MEETING:
Wednesday, July 24, 2024 at 7 PM
RECOGNITIONS/PRESENTATIONS
OPEN FORUM
PUBLIC HEARINGS
LOCAL LAW NO. ___ OF 2024

A LOCAL LAW TO AMEND CHAPTER 113 OF THE CODE
OF THE TOWN OF BRIGHTON WITH RESPECT TO
DEMONSTRATION AND SPECIAL EVENT PERMITS

BE IT ENACTED by the Town Board of the Town of Brighton, Monroe County, New
York, as follows:

Section 1. Preamble; Legislative Intent.

The right to peacefully assemble or demonstrate is afforded to all persons and is protected by the
First Amendment of the United States Constitution and Article I, Sections 8 and 9 of the New York
State Constitution. However, content-neutral time, place, and manner restrictions may reasonably
limit free expression in order to protect a significant governmental interest. These gatherings and
demonstrations, when combined with pedestrian bystanders and motor vehicles simultaneously
using the area, in the absence of advance notice to the Town may obstruct and impede the flow of
traffic on the public roadways and driveways at or around parks. The Town Board finds that the
Town has a significant and important governmental interest in preserving public peace and good
order on lands operated as public parks in the Town of Brighton and safeguarding public health,
safety, and enjoyment of users of Town parkland and surrounding public property from
obstruction, interference, or threats of physical harm. The Town Board further finds that it also
has a significant and important governmental interest in ensuring the safety of gatherers,
demonstrators, pedestrian bystanders, and motor vehicle users in high traffic areas of the Town.

The purpose of this local law is to protect the health, safety, and welfare of users of public parks
and the surrounding areas by amending Chapter 113 of the Town Code of the Town of Brighton
(the “Town Code”) governing parks in the Town by requiring certain demonstrations and special
events to obtain a permit from the Town Commissioner of Public Works, without unreasonably
restricting the expressive activity of any gatherings, demonstrations, or large assemblies of
individuals, regardless of their identity or the content of their speech.

Section 2. Definitions.

Section 113-2 of Chapter 113 of the Town Code is hereby amended to add the following
definitions:

“DEMONSTRATION

A group activity, including but not limited to, a meeting, assembly, protest, rally, march,
or vigil which involves the expression of views or grievances, involving more than the
thresholds set forth in Section 113-4(A)(3) or a group activity involving less than such
thresholds for which specific space is requested to be reserved.

SPECIAL EVENT

A group activity, including but not limited to, a performance, meeting, assembly,
ceremony, parade, athletic competition, reading, or picnic involving more than the
thresholds set forth in Section 113-4(A)(3) or a group activity involving less than such
thresholds for which specific space is requested to be reserved.”
Section 3. Permits required for certain activities; issuance of permits.

Section 113-4(A) of the town Code is hereby amended by adding the following paragraph (3):

“(3) Demonstrations or Special Events involving more than the number of people set forth in the chart below:

<table>
<thead>
<tr>
<th>Park</th>
<th>Number of People</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meridian Centre Park</td>
<td>50</td>
</tr>
<tr>
<td>Buckland Park</td>
<td>50</td>
</tr>
<tr>
<td>Brighton Town Park</td>
<td>50</td>
</tr>
<tr>
<td>12 Corners Park</td>
<td>20</td>
</tr>
<tr>
<td>Corbett's Glen Nature Park</td>
<td>20</td>
</tr>
<tr>
<td>Sandra L. Frankel Nature Park</td>
<td>20</td>
</tr>
<tr>
<td>Lehigh Valley Trail</td>
<td>20</td>
</tr>
<tr>
<td>Town Hall Park</td>
<td>20</td>
</tr>
<tr>
<td>Blossom Road Park</td>
<td>20</td>
</tr>
<tr>
<td>Any Town Pocket Park</td>
<td>20</td>
</tr>
<tr>
<td>Persimmon Park</td>
<td>N/A</td>
</tr>
<tr>
<td>Lynch Woods</td>
<td>N/A</td>
</tr>
<tr>
<td>Stowell Conservancy</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*No Demonstration or Special Event permits may be issued for Parks designated N/A*

Section 113-4 of the Town Code is hereby amended by adding the following subsection (F):

“F. Permits for a Demonstration or Special Event.

(1) Applications for a Special Event permit must be received at least 30 days prior to the request date for the Special Event. Applications for a Demonstration permit must be received at least 5 days prior to the requested date for the demonstration. Notwithstanding the foregoing, the Commissioner of Public Works, or such other office as the Commissioner of Public Works may determine, will accept applications for Demonstrations whenever submitted and process such applications as soon as it is feasible to do so, considering the magnitude of the event and the resources of the Commissioner.

(2) Upon receipt of such application, the Commissioner of Public Works, or such other office as the Commissioner of Public Works may determine, shall refer same to the Brighton Chief of Police for review as may be necessary to ensure the protection of public health, safety, and welfare.

(3) The Commissioner of Public Works, or such other office as the Commissioner of Public Works may determine, may deny a permit if: (i) the location sought is not suitable because of environmental conditions reasonably likely to be harmed by the proposed event; (ii) the location sought is not suitable because the proposed Demonstration or Special Event is of such nature or duration that it cannot be
reasonably accommodated in the requested location; (iii) the date and/or time requested has been previously allotted by permit; (iv) the Demonstration or Special Event would conflict with previously planned programs organized and/or conducted by the Town, or conflict with the Town’s priority use field schedule maintained by the Recreation and Parks Department; (v) the Demonstration or Special Event would unreasonably interfere with the use and enjoyment of the park by other users; (vi) the intended use or activity is unlawful, or would endanger the health and safety of surrounding persons; (vii) there are not significant Town resources available at the time of the proposed Demonstration or Special Event to mitigate disruption and/or the diversion of police protection would deny reasonable police protection to the Town; (viii) if the permit application contains a material falsehood or misrepresentation; or (ix) within the preceding two years, the applicant has been granted a permit and did, on that prior occasion, knowingly violate a material term or condition of the permit, or any law, ordinance, state or regulation relating to the use of parks. Notwithstanding the foregoing, if a permit has been denied pursuant to this subparagraph (3), the Commissioner of Public Works shall employ reasonable efforts to offer the applicant suitable alternative locations and/or times and/or dates for the proposed Demonstration or Special Event.

(4) All permit applications will be processed on a “first come, first serve” basis; provided that if two or more permit applicants request the same date and the same location, and one or more of such applicants held a permit for such location in the calendar year immediately preceding the calendar year for which such permit is now sought, the permit application from the applicant who has not previously held a permit shall be first eligible for approval. Notwithstanding the foregoing, a Demonstration or Special Event proposed at any athletic field shall be at all times subject to the Town’s priority use field schedule maintained by the Recreation and Parks Department.

(5) In the event a permit application is denied, the applicant may appeal the determination by written request filed with the Town Supervisor, who may reverse, affirm, or modify the original determination and provide a written explanation of the decision. If a permit application is denied more than 10 days prior to the proposed event, the applicant shall have 3 days from the date such denial is delivered to the applicant to appeal such denial. The Town Supervisor shall render a decision on such appeal within 5 days of receipt of such appeal. If a permit application is denied less than 10 days prior to the proposed event, the applicant shall have 1 day from the date such denial is delivered to the applicant to appeal such denial. The Town Supervisor shall render a decision on such appeal as soon as is reasonably practicable.

(6) Permittees must have the Demonstration or Special Events permit in their possession at the time and site of the event.

(7) More than one Demonstration or Special Event permit may not be issued for any park for the same date and time, except for Buckland Park, Meridian Centre Park, and Brighton Town Park.
(8) No Demonstration or Special Event permit shall be issued when parks are closed under Section 113-3.

(9) The requirements of this subsection 113-4(F) shall be inapplicable to a Demonstration or Special Event proposed at a park lodge or pavilion, which shall be subject to the permitting requirements of Section 113-5.

(10) Notwithstanding subsection 113-4(E), no fees shall be charged for a Demonstration permit.”

**Section 4. Certain acts prohibited without written permission**

Subsection 113-6(B) of the Town Code is hereby deleted in its entirety and replaced with the following:

“B. Hold any Demonstration or Special Event; conduct any funeral procession or vehicle containing the body of a deceased person; or use any loudspeaker or other sound-amplifying equipment.”

**Section 5. General regulations.**

Subsection 113-7(A) of the Town Code is hereby amended by adding the following paragraph (8):

“(8) No person shall by force or threat of force, or by physically obstructing or blocking, knowingly injure, or interfere with, or attempt to injure, or interfere with, another person using a park or any walkway or sidewalk adjoining or adjacent to a park. For purposes of this paragraph, “interfere with” shall mean to stop or to restrict a person’s freedom of movement, or to stop, obstruct, or prevent, through deceptive means or otherwise.”

**Section 6. No Endorsement by Town.**

The enforcement of this local law by the Town shall in no way be considered an endorsement or any expression of support, disagreement or any position or opinion on behalf of the Town whatsoever with respect to the activities, policies, opinions, positions, precepts or other aspects of the individuals organizing, sponsoring, holding or participating in a demonstration.

**Section 7. Conflict with Other Provisions.**

When the requirements or restrictions imposed by this local law conflict with the requirements or restrictions imposed by other laws, ordinances, codes, rules or regulations, the more proscriptive requirement or restriction, respectively, shall prevail.

**Section 8. Severability.**

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.
Section 9. Effective Date.

This local law shall go into effect immediately upon filing with the New York State Secretary of State.
June 26, 2024

Mr. William Moehle
Brighton Town Supervisor
2300 Elmwood Avenue
Rochester, NY 14618

Dear Supervisor Moehle,

Thank you for your efforts and those of Town staff members, including Chief Catholdi and Members of the Town Board for your consideration regarding an amendment to Section 113-2 of Chapter 113 of the Town Code. We at school are grateful for your partnership and for your work to thoughtfully address our concerns regarding protests at 12 Corners. We are very much in support of the proposed amendment and believe that this will be a useful tool in addressing the overriding concern we have regarding student safety at arrival and dismissal times.

We remain committed to supporting the right to freedom of expression and believe in our obligation as educators to support the important lessons that are modeled through peaceful civil discourse. However, we also believe that our first priority is doing all that we can to ensure the safety of our students and staff. Significant gatherings, unpredictable in many ways, that occur while students are compelled to cross at certain locations during specific times have been of great concern to us. To the credit of the community, our own pleas for consideration in this regard seem to have been heeded. However, we believe that this amendment will add additional reassurance that our arrival and dismissal times will be the safest possible times for students to move through the 12 Corners free from obstructions that cannot be planned around or managed.

Thank you, as always, for your partnership and the incredible work of the Brighton Police Department to keep all of us safe, secure and able to enjoy our Town in every way. Although I am not able to attend this evening’s Town Board meeting, it is my hope that these sentiments can be shared with the Town Board.
Thank you.

Sincerely,

Kevin C. McGowan, Ed.D.
Superintendent of Schools

KGM/kl

Cc: Board of Education
   Lou Alaimo, Deputy Superintendent
   Dr. Allison Rioux, Asst. Superintendent for Curriculum & Instruction
   Deanna Spagnola, Director of Student Services
For the record of the hearing.

Bill

William W. Moehle, Supervisor (he/him)
Town of Brighton
2300 Elmwood Ave.
Rochester, New York 14618
(585) 784-5252

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From: jocelyn.schaible <jocelynhopeful1234@gmail.com>
Sent: Wednesday, June 26, 2024 1:53 PM
To: William Moehle <william.moehle@townofbrighton.org>
Subject: Tonight’s Meeting

Dear Bill,

I cannot be at tonight’s session because I am leading a Rochester Research Group team doing audience census research at the Jazz Festival. But I wanted to thank you and the town board for understanding the importance of protecting the safety of our community.

The bill you have proposed is excellent and I am one of many who hope that it is approved and implemented. It is truly reassuring to have Brighton in such wise and capable hands.

Onward,
Jocelyn Goldberg-Schaible
585.967.4558
For the record of the hearing.

Bill

William W. Moehle, Supervisor (he/him)
Town of Brighton
2300 Elmwood Ave.
Rochester, New York 14618
(585) 784-5252

From: Ed Pelta <edpelta@gmail.com>
Sent: Wednesday, June 26, 2024 11:14 AM
To: William Moehle <william.moehle@townofbrighton.org>; Nate Salzman <nate.salzman@townofbrighton.org>
Subject: Proposed Law With Respect to Demonstration and Special Event Permits

Supervisor Moehle and Town Board Member Salzman,

Unfortunately, I will not be able to attend tonight’s Town Board meeting.

I want to thank you for working with community members to develop sensible, content-neutral rules that will allow for free speech and robust discourse, but at the same time protect children and the public from physical and emotional harm, a significant public interest. That’s what balance is all about, and I applaud the efforts of Town counsel, our Supervisor and other Brighton Town Board members to listen, discuss and reach a balanced outcome. If we listen to only one voice, it should be that of School Board Superintendent Dr. McGowan, who asks that we think about and protect our children, while still allowing speech with reasonable, narrowly-focused restrictions, consistent with the First Amendment.

I respectfully ask that my remarks be entered into the record on this topic.

Regards,

Ed Pelta
50 Heatherstone Lane
For the public hearing record tonight.

Bill

William W. Moehle, Supervisor (he/him)
Town of Brighton
2300 Elmwood Ave.
Rochester, New York 14618
(585) 784-5252

From: Zvi Brayman <sbrayman17@yahoo.com>
Sent: Wednesday, June 26, 2024 3:38 PM
To: William Moehle <william.moehle@townofbrighton.org>
Subject: Proposed bill regarding permits on tonight's agenda

Good evening,

I will not be able to attend tonight's meeting as I will be attending my daughter's music therapy performance this evening. I am a Brighton resident, residing here for 27 years. Both my daughter's went to Brighton schools special education department. Although my children are no longer in school I know for them demonstrations are confusing and scary. I think about the special education students who are currently part of the Brighton school system. For students with special needs it can be traumatic.

I am thankful to be living in a community who cares about the children in our community. I want to thank you and the town board for understanding the importance of protecting Brighton students.

The bill you have proposed is excellent. I and many others hope the bill will be approved and implemented.

Thank you for your support and understanding.
Shoshana Brayman
There is no need to change the agenda, but here is another item of communication to be received into the record for tonight’s hearing.

Bill

William W. Moehle, Supervisor (he/him)
Town of Brighton
2300 Elmwood Ave.
Rochester, New York 14618
(585) 784-5252

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From: Leah Goldman <lgoldman525@gmail.com>
Sent: Wednesday, June 26, 2024 4:03 PM
To: William Moehle <william.moehle@townofbrighton.org>; Nate Salzman <nate.salzman@townofbrighton.org>
Subject: Letter in Support of Town’s Proposed Ordinance (For the record)

Dear Supervisor Moehle and Brighton Town Board Members,

I am unable to attend tonight’s meeting due to family scheduling conflicts, but want to share my gratitude for the work that the Board has done drafting legislation around permitting for demonstrations and other large gatherings. I respectfully request that you enter this email into the public record.

Thank you for your many months of listening, fact-gathering, and consideration of our community’s safety concerns related to large gatherings and demonstrations. It is clear from the legislative intent notes and the thoughtful process set forth in the proposed ordinance that our Town leadership drafted the legislation to protect Brighton’s citizens, making public safety paramount. The proposed ordinance is reasonable, commonsense and narrowly-tailored and will increase the safety of Brighton residents and those who work in or travel through Brighton.

It is reassuring to know that you are prioritizing the mental and physical health and best interests of our children, bikers, pedestrians and drivers in 12 Corners and other community parks by instituting a permitting process like so many other municipalities have in place.

We are grateful for your leadership and careful and measured evaluation of community needs, balancing public safety and our constitutional rights to craft an even-handed, progressive, inclusive and practical ordinance.

While I wish the legislation could go further because I still have concerns with groups of 19 or less assembling at 12 Corners at school drop off and dismissal times, alarming students, causing potential traffic distractions and possibly leading to public safety issues, I also understand that the proposed ordinance, as drafted, will foster additional safety for our community beyond what is currently in
place.

Thank you for your attention to this important matter of community safety.

Sincerely,

Leah M. Goldman, Esq.
July 2, 2024

William W. Moehle, Supervisor
Town of Brighton
2300 Elmwood Ave., Rochester, New York 14618

Re: Proposed Local Law known as “A Local Law to Amend Chapter 113 of the Code of the Town of Brighton with Respect to Demonstration and Special Event Permits”

Dear Supervisor Moehle,

I want to thank you and the Town Board for working to develop a set of sensible rules that will allow for free speech and robust discourse, within a framework that protects participants and the community.

As I said during the 6/26/2024 Public Hearing, we’ve recently seen many occasions across the US where demonstrations have quickly devolved into uncontrollable situations. In Brighton, we want to support freedom of speech and assembly, while at the same time doing our best to ensure dignity and respect for all, without incitement, defamation, threats, or hate speech.

I tried to listen carefully to the comments at that meeting. I think that several of the comments on “timing” and “numbers” reflected misunderstanding of the proposed text. I have a few suggestions for format and terminology that might help clarify the intended meanings. They are included in the attachment.

I also have one suggestion to add to the proposal, that would address concerns about exposing school children to demonstrations. My opinion is that demonstrations don’t belong at schools when children are arriving, leaving, or even taking a walk during their breaks or lunch. Children are minors, and can unduly be influenced by the presumably-adult demonstrators. Adults have implied authority over minors. The adult demonstrators may, intentionally or inadvertently, try to influence children to their cause. This suggestion is also included in the attachment.

Another issue that might be addressed in the proposed document is currently found in the standing law – 1136-6 (A) – no post or display of any sign, banner or advertisement without a written permit. To completely cover the topic, it may make sense to include in section 113-4 that signs and banners are allowed with a permit, and also explain any limitations that might apply. Also, it might help to clarify whether “posting a sign” includes carrying a sign.
I respectfully request that these remarks and suggested changes be entered into the public record for this proposed law.

Respectfully,

Gail Finkelstein
74 Westerloe Avenue, Brighton, NY

Suggestions to clarify the proposed law:

1. Amend the proposed terminology to:
   (3) Demonstrations or Special Events expected to involve more than then the number of people set forth in the chart below are required to have a permit.
   
<table>
<thead>
<tr>
<th>Park</th>
<th>Number of People Expected Exceeds:</th>
</tr>
</thead>
</table>

2. Add a subsection to 113-4 (F):
   The permit applicant is responsible for accurately estimating the number of people expected to attend. The applicant may decide to not apply for a permit because the number expected is below that required for a permit. In the event that the number at the Demonstration or Special Event exceeds the number requiring a permit, the applicant must promptly (1) contact, (2) inform, and (3) follow instructions of:
   (1) The Brighton Police Chief, and
   (2) The Office of the Commissioner of Public Works.
   
   The verbal Demonstration or Special Event permit request may be approved, approved with conditions, or denied.

3. In 113-4 (F)(1), reformat to make it easier for the reader to find “number of days prior” requirements. For example:
   Special Event permit: Application must be received at least 30 days ...
   Demonstration permit: Applications must be received at least 5 days ...
   Notwithstanding the foregoing, ...

Suggestion to modify the proposed law:

4. Add a subsection to 113-4 (F):
   No Demonstration permit shall be issued for 12 Corners park from 7:00am to 4:00pm on days when school is in session.
MEMORANDUM

TO: Honorable Town Board

FROM: William W. Moehle, Supervisor

DATE: May 22, 2024

RE: Proposed Local Law amending Chapter 113 of the Town Code with respect to Demonstration and Special Event Permits

During the past several Town Board meetings, we have heard from many residents expressing concern with gatherings and demonstrations in the Twelve Corners Park. In response to those concerns, and to ensure that the Brighton Police Department and Parks Department are aware of gatherings in our parks that might cause safety issues, I have asked Attorney to the Town John Mancuso, Esq., to draft a local law directing that organizers of special events and demonstrations of a certain size in our parks be required to obtain a permit for such events or demonstrations. This would ensure that the Police Department and Parks Department are aware of upcoming events and can better address safety concerns that may arise.

I would ask that the Town Board set a public hearing for June 26, 2024 to receive public comment on the proposed law. I would also suggest that the proposed law be reviewed at the Town Board Public Safety Committee meeting on June 12, 2024.
June 3, 2024

Mr. William Moehly
Brighton Town Supervisor
2300 Elmwood Avenue
Brighton, NY 14618

Dear Mr. Moehly,

Enclosed, please find a summary document of the Rochester Genesee Regional Transportation Authority (RGRTA) 2024-2025 Comprehensive Strategic Plan and Financial Plan, approved by the RGRTA Board of Commissioners in March.

This year's comprehensive plan builds on our success in recent years and represents our work over the past year to identify what RTS should look like in 2030 and the strategies necessary to get there. This summary document highlights some of the key components of our plan. The first year of that path includes a heavy focus on the well-being of our employees and reflects the multi-step planning process we followed that involved listening to and understanding input from employees, customers, community leaders, and industry leaders.

The strategies and tactics included in this plan will help us bring to life our vision of connecting the community. My hope as you review the plan is that you easily recognize the talent and commitment of our employees as we provide safe, reliable, convenient, and sustainable transportation services that connect the community and promote a better quality of life. You can view the full plan in its entirety on our website at https://www.myrts.com/About-Us/Plan-Performance.

Thank you for your partnership and continued support of our efforts. Please contact me if I can answer any questions.

Sincerely,

[Signature]

Miguel Velázquez
Chief Executive Officer
RGRTA is happy to present you with an overview of the 2024 - 2025 Comprehensive Strategic Plan. What follows is a summary of the key components of the Comprehensive Strategic Plan approved by the RGRTA Board of Commissioners and enacted with the start of the current fiscal year on April 1, 2024. This includes our new vision and mission statements, our values, a summary of our accomplishments from the 2023-24 fiscal year, the strategic roadmap and budget for the 2024-25 fiscal year.

**RGRTA VISION, MISSION, VALUES**

**OUR VISION**
We connect the community.

**OUR MISSION**
We provide safe, reliable, convenient, and sustainable transportation.

**OUR VALUES**
- Integrity
- Respect
- Diversity, Equity, and Inclusion
- Engagement and Collaboration
- Agility and Innovation
- Performance Focus

**RGRTA BOARD OF COMMISSIONERS**

**DONALD E. JEFFRIES**
Chairman, Represents Monroe County

**WILLIAM ANSBROW**
Represents the City of Rochester

**JOHN TROTT**
ATU Local 282 Representative (non-voting)

**TERRENCE RICE, PE**
Represents Monroe County

**BRIAN H. YOUNG**
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**MICHAEL P. JANKOWSKI**
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**HEATHER BIRD**
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Represents Seneca County

**RICHARD D. KOSMERL**
Treasurer, Represents Wyoming County

**SUSANNE CARLOCK**
Represents Livingston County

**LAURIE OLTRAMARI**
Represents Genesee County
RGRTA 2023-2024 YEAR IN REVIEW

The 2023-24 Fiscal Year was a year of significant progress and accomplishment for the Authority. Here is an overview last year's work; for more information, please visit myRTS.comAbout-Us/Plan-Performance.

REGIONAL ON DEMAND SERVICE STUDY

As we completed the Regional City and Village Local Service Study early in the year, we started a feasibility study for on demand service in the RTS service areas in Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, and Wyoming Counties.

STARTED BUILDING NEW FACILITIES FOR RTS SENECA AND RTS WYOMING

We held two groundbreaking ceremonies to celebrate the start of construction on new facilities for RTS Seneca and RTS Wyoming. If all goes according to schedule, we will celebrate the opening of the new facilities in 2024.

CONTINUED PROGRESS ON TRANSITION TO ZERO-EMISSION VEHICLES

In 2023, we continued our progress to transition to a zero-emission bus fleet with the procurement of Hydrogen Fuel Cell buses, vans, and a mobile fueling station.

HONORING MILITARY VETERANS

RTS unveiled a themed bus to show appreciation for military veterans. We held a press conference on Veterans Day with the ATU Local 282, Teamsters Local 118, Veterans Outreach Center, and the Monroe County Veterans Service Agency to unveil the bus, which was included in the Veterans Day parade.
Following an extensive strategic planning process that involved input from customers, community and industry stakeholders, employees, and the RGRTA Board of Commissioners, we developed the following strategic framework to guide our efforts during the 2024-25 fiscal year.

**EMPLOYEE WELL-BEING**
Institute consistent and frequent communication between managers and direct reports. Progress safety plan in partnership with employees and the community. Implement programs that create a culture of continuous development and learning for all.

Strategies: Safety | Communications & Development | Work/Life Balance

**STAFFING**
develop performance indicators, initiatives, and processes to improve recruitment. Create initiatives to enhance the employee experience. Identify the root causes and strategies to improve absenteeism.

Strategies: Recruitment | Retention | Absenteeism

**PROCESSES & RESOURCES**
Identify and implement high priority opportunities in operational efficiencies that deliver sustainable services.

Strategies: Performance Metrics | Service Efficiency Improvements Zero-Emission Transition

**CUSTOMER & FINANCIAL PERFORMANCE**
Clearly identify, track, and advance areas supporting the organization's financial stability while delivering excellent customer experiences.

Strategies: Budget Process Review | New Sustainable Services Facilities and Infrastructure | Technology Innovation

**WILDLY IMPORTANT GOAL**
Improve 18-month retention rates by 6%
RGRTA 2024 - 2025 OPERATING BUDGET

RGRTA developed a balanced operating budget for the 2024-25 fiscal year that maintains the existing customer fare structure for our entire service area. This is the 14th consecutive year of maintaining the $1 base adult fare for customers of RTS in Monroe County. Please see pages 29-59 of the 2024-25 Comprehensive Strategic Plan to see the full financial plan and operating budget for this fiscal year.

<table>
<thead>
<tr>
<th></th>
<th>2023-2024 OPERATING BUDGET</th>
<th>2024-2025 OPERATING BUDGET</th>
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<th>% CHANGE</th>
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<tr>
<td><strong>REVENUES</strong></td>
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<tr>
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Figures shown in millions.

RGRTA 2024 - 2025 PERFORMANCE MANAGEMENT

The Transit Organization Performance Scorecard (TOPS) is the tool RGRTA uses to measure, monitor, and report its overall performance. For the 2024-25 fiscal year, we will measure 21 metrics within the four strategic pillars of TOPS, with a goal of 100 points for each quarter and the entire fiscal year.

For more information, please view our 2024 - 2025 Comprehensive Strategic Plan at myRTS.com/About-Us/Plan-Performance.
June 5, 2024

William Moehle
Town Supervisor - Town of Brighton
2300 Elmwood Ave
Rochester, NY 14618

Enclosed is the Municipal Shelter Inspection Report completed on 05/31/2024. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website below.

As the report indicates, dog shelter services were rated “Satisfactory”. Please make note of any comments listed on the report.

Municipal dog shelters are subject to inspection by this agency on a regular basis.

Please notify this office within 30 days of any changes in municipal shelter services.

If you have any questions regarding this inspection, please call me.

Ann Marie Brade
Animal Health Inspector
(585) 480-0600
These are the findings of an inspection of your facility on the date(s) indicated above:

1. Shelter is structurally sound Yes
2. Housing area and equipment is sanitized regularly Yes
3. Repairs are done when necessary Yes
4. Dogs are handled safely Yes
5. Adequate space is available for all dogs Yes
6. Light is sufficient for observation Yes
7. Ventilation is adequate Yes
8. Drainage is adequate Yes
9. Temperature extremes are avoided Yes
10. Clean food and water is available and in ample amount Yes
11. Veterinary care is provided when necessary Yes
12. Dogs are euthanized humanely, by authorized personnel Yes
13. Complete intake and disposition records are maintained for all seized dogs Yes
14. Dogs transferred for purposes of adoption in compliance with Article 7 Yes
15. Redemption period is observed before adoption, euthanasia or transfer Yes
16. Owners of identified dogs are properly notified Yes
17. Redeemed dogs are licensed before release Yes
18. Proper impoundment fees paid before dogs are released Yes
19. Written contract or lease with municipality Not Applicable

Municipality owned.

TCV CODE   TCV NAME
2601       Town of Brighton
July 9, 2024

William Moehle
Town Supervisor
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618
VIA EMAIL

Re: Town of Brighton Municipal Separate Storm Sewer System
SPDES No: GP-0-24-001
Program Evaluation, NOI No: NYR20A164

Dear Bill Mohle,

An evaluation of the Town of Brighton Municipal Separate Storm Sewer System (MS4) program was performed by Department staff as referenced above with James Sprague, Chad Roscoe and Ken Hurley representing the Town of Brighton, Andy Sansone of the Monroe County Stormwater Coalition, Kelly Emerick and Jim Sroka representing the Monroe County Soil & Water Conservation District, and Cecelia McAuliffe and Luke Scannell representing the NYSDEC. The purpose of this evaluation was to review the current state of the Town’s MS4 program. The time spent by Town staff and Monroe County staff to complete this evaluation is greatly appreciated.

A records review of all six Minimum Control Measures (MCMs) of the MS4 General Permit as well as several field observations within the Town of Brighton were conducted. The field observation portion of the audit included inspections of the Public Works Facilities, and the S Clinton construction site. Based on conversations with the group and observations made during the above referenced inspections, we found your MS4 program to be in marginal compliance with the requirements and limitations as set forth in the State Pollutant Discharge Elimination System (SPDES) General Permit for Municipal Separate Storm Sewer Systems (GP-0-15-003).

The Town of Brighton is a member of the Monroe County Stormwater Coalition and relies on this coalition to implement several aspects of their MS4 program as explained throughout this report and as outlined in an Inter-Municipal Agreement signed by all members of the Coalition. The following sections of this report describe how the requirements of each MCM are being implemented within the Town along with any program deficiencies observed during the Audit.
Minimum Control Measure 1 – Public Education and Outreach
Minimum Control Measure 2 – Public Involvement/Participation

MCM 1 requires MS4s to perform Public Education and Outreach. The Stormwater Coalition of Monroe County performs a wide range of public education and outreach activities throughout the County. The Coalition keeps a record of annual activities on the H2O Hero Facebook page. This information is used to complete the reporting requirements in the MS4 Annual Report. These records include all the stormwater-related events that the Coalition participates in throughout the County, including: the newspaper, radio, internet, and television ads produced and aired; information on the Water Education Collaborative; billboard locations; work done by the Rochester Ad Council; and information/outcomes of the H2O Hero Campaign.

The Town of Brighton displays educational materials produced by the Coalition and the Town in the Town Hall. The Town noted that the residents are progressing towards a “paper free” preference and found that while the amount of paper handouts taken has decreased, social media interaction and website traffic has increased. The Town’s Facebook page has around 3,100 followers. The Town has a designated stormwater website which provides a general introduction to stormwater management, the stormwater contact, links to the annual report, IDDE reporting, the Coalition website and other MS4 resources.

The Town has several educational flyers and brochures that are directed to certain target audiences, such as a commercial cleaning flyers that get distributed to car wash businesses and fertilizer flyers that are given to residents. The Town has identified that car dealerships are one of their geographic areas of concern, however the Town has not developed educational outreach for the target audience associated. Aside from residential neighborhoods and car dealership/car washes the Town has not identified other geographic areas of concern, now referred to as focus areas.

The Town hosts various events relating to the MS4 program every year. The Town hosts an annual Clean Sweep event for residents to pick up litter around the Town. The Town hosts electronic waste and prescription drop-off events semi-annually. The Town has previously provided residents with rain barrel workshops and rain garden trainings, ending in 2022 as attendance had been dropping off, presumably due to the abundance of rain barrels available for purchase.

The Town’s SWMP Plan identifies nutrients and silt and sediment as pollutants of concern for Town of Brighton’s waterways, however this is not consistent with the water quality issues identified by the DEC. The Town should utilize the publicly available DEC resources to best determine all pollutants of concerns for each waterbody in the Town. The program should prioritize actions to reduce the discharge of the pollutants of concern identified and focus education opportunities around them.

Overall, the Town of Brighton is successfully meeting the requirements of Minimum Control Measures 1 and 2. However, the implementation of these requirements is still
primarily reliant on County activities and efforts. The Town’s program has room for improvement and should continue to actively work towards identified goals in this program area to meet upcoming permit requirements over the next two and half years. The Town needs to identify the relevant focus areas and target audiences within its MS4, and work with the Coalition to make sure relevant educational messages are provided for each one.

**Minimum Control Measure 3 – Illicit Discharge Detection and Elimination (IDDE)**

MCM 3 requires MS4s to develop, implement, and enforce a program to detect and eliminate illicit discharges into their MS4.

The Town of Brighton adopted a law within the Town code that prohibits illicit discharges into the MS4. This law has been certified by Monroe County’s lawyer equivalent to the NYS model law.

The Town implements the requirements of MCM 3 through mapping, visual inspections, training, education, and enforcement when required. The Town has completed their outfall mapping, however the mapping needs to be updated to reflect the new permit requirements, such as including all interconnections. The Town inspects twenty percent of the outfalls annually. The inspections are well documented, however the Department noted several instances where incorrect information was recorded, such as who was completing the outfall inspection. The Town often relies on interns to perform the inspections with minimal training and, due to timing, the inspections may occur less than 48 hours after a rain event. The Town needs to ensure that the inspectors receive thorough training and continuing guidance beyond one day in the field on the use of the inspection forms and how to perform outfall inspections.

The Town does not provide IDDE specific training staff. Highway department staff receive spill prevention training through a third party, Vector Solutions. The Coalition puts on IDDE training, and it is highly recommended that all staff that conduct outfall inspections and IDDE response attend the trainings.

There is no written procedure for identification, track down and elimination of illicit discharges. A written procedure is required by the MS4 permit within two years of the permit term. A written procedure for tracking complaints assists with prioritizations, which is an important requirement in the new MS4 permit. An inventory of illicit discharges and the resulting prioritizations is required within three years of the start of the permit term.

If an illicit discharge is not corrected, the Town will refer the matter to the Town Courts for legal action. The Town has not had to conduct enforcement actions regarding illicit discharges, instead relying on voluntary compliance. Based on the Department’s observations of the Town’s enforcement in MCM 4, the efficacy of this approach is uncertain.
Overall, the Town of Brighton is marginally meeting the requirements of Minimum Control Measure 3. The Town needs to develop a written procedure for the identification, track down and elimination of illicit discharges. Additionally, the Town needs to provide proper IDDE training to its staff.

**Minimum Control Measure 4 – Construction Site Stormwater Runoff Control**

MCM 4 requires MS4s to develop, implement, and enforce a program for Construction Site Stormwater Runoff Control that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001). The Town of Brighton has adopted an ordinance that requires a Stormwater Pollution Prevention Plan (SWPPP) for each applicable land disturbing activity that includes erosion and sediment controls that meet the current State Technical Standards. This ordinance was adopted by the Town Board of the Town of Brighton 1-27-1993; amended in its entirety 4-26-2006. The base law was originally certified by an Attorney of Monroe County. However, the Town of Brighton has made a few changes. The updated law has not been certified to be equivalent.

The Town engineer, a licensed PE, reviews all SWPPPs. The Town engineer utilizes a SWPPP review checklist developed by the DEC to perform SWPPP reviews. When granting a 5-acre waiver, the Town allows for the disturbance to occur within a six-month period. After the six-month period, an additional request to disturb more than 5 acres is required. This approach is generally satisfactory with the Department’s expectations.

Construction site inspections are conducted by Town engineering staff and the SWPPP inspector. All staff have received, and are kept up to date on, appropriate training. Construction site inspection reports are produced; however the site inspections are not tracked. Often, the Town will conduct informal drive-by’s that do not result in reports. The Town does not have a process to track complaints or prioritize construction sites. Tracking and prioritizing are repeated requirements throughout the new MS4 permit.

During the audit the Town was asked to conduct a site inspection of the 1925 S. Clinton Ave construction site. During this audit, minimal site work was being done. Several deficiencies were noted by Town staff as being a reoccurring issue, where the Town had previously required corrective actions and they had not been addressed. The Town had missed significant deficiencies during previous inspections, which included; improperly installed and not maintained silt fence, areas that had not received temporary or permanent stabilization, swale had not been graded properly, a check dam had not been installed to meet design standards, inappropriate bioretention media had been installed, and concrete washout violations in multiple areas of the site. The Town must ensure that all deficiencies have been resolved.

The Town has not found violations at construction sites; however, the Town has had several deficiencies. The deficiencies are handled through verbal notification. The Town has not utilized enforcement due to not escalating deficiencies to violations. Given the
level of deficiencies observed during the 1925 S. Clinton site visit, the Town’s current enforcement approach is not obtaining the required level of compliance with NYSDEC regulations and should be revisited.

Overall, the Town has an unsatisfactory program developed for the inspection of construction projects. The Town needs to have their attorney certify that the law is equivalent to the NYS model law and provide a copy of this certification to the NYSDEC. Additionally, the Town needs to develop a procedure for tracking inspections and complaints, and prioritizing construction sites. The Town should also work to improve their program by providing education to those regulated by this program such as developers, contractors, and engineers.

**Minimum Control Measure 5 – Post-Construction Stormwater Management**

MCM 5 requires MS4s to develop, implement and enforce a program for Post-Construction Stormwater Management that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001).

The Town of Brighton has adopted an ordinance that requires post construction runoff controls that meet the current State Standards for new development and re-development projects. This ordinance was adopted by the Town Board of the Town of Brighton 1-27-1993; amended in its entirety 4-26-2006 and was certified by the Town’s attorney as being equivalent to one of the State’s sample local laws. The Town requires that all new construction have close out inspections, provide as-buils to the Town, and have a stormwater maintenance agreement signed prior to terminating permit coverage and obtaining status as a private facility.

The Town has an inventory of private stormwater management facilities; however, they are not mapped. The Town owned stormwater facilities are inventoried and mapped. The permit requires mapping of Town and privately owned post construction stormwater management practices to be completed within 3 and 5 years of the start of the permit term respectively. The Town owned facilities are inspected every five years and the private facilities are required to be inspected annually. The Town is not responsible for privately owned facilities.

Overall, The Town has a satisfactory program in meeting the requirements of MCM 5: post-construction stormwater management.

**Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations**

MCM 6 requires MS4s to develop and implement a pollution prevention.good housekeeping program that addresses municipal operations and facilities that contribute or potentially contribute Pollutants of Concern (POCs) to the MS4.
Town of Brighton maintenance staff do not receive MS4 related training aside from spill prevention training. All staff should receive IDEE training and erosion and sediment controls training to be able to notice when something looks wrong. Town staff should also receive the Good Housekeeping training that the Coalition provides. Records of staff attending trainings should be documented in the Town’s SWMP.

The Town sweeps all streets approximately three times per year. The street sweeping spoils are then brought to the Town garage facility where they are left out to dry until they are taken to the Town transfer station. The Town does not contain any catch basins with sumps. Catch basin inspections occur annually and are cleaned out as needed. The Town’s transfer station is not an acceptable disposal location. The spoils may be used as per beneficial use determinations; however, if retained on-site spoils will need to be properly disposed of within one year of collection.

The Town does not have an integrated pest management program prepared. Town staff do not apply pesticides or herbicides and use minimal fertilizer. The Town indicated that the use of pesticides requires Town board approval, but avoided answering the question of how stinging insects, or other nuisances, are handled. The Department finds it unlikely that addressing such conditions can be delayed until the Town board can meet and approves that action. The Town utilizes third parties to perform some maintenance, these contracts should contain more purposeful language regarding MS4 requirements.

An inspection of the Town’s highway department was conducted as part of the MS4 audit. The following good housekeeping measures are being implemented: the garage was clean and well kept; the floor drains are connected to an oil separator before going into the sanitary sewer system; and the salt storage is completely enclosed with little signs of salt staining. However, the gas station is not covered and is graded so that sheet flow will enter the adjacent creek. Fueling island improvements need to be added to the Town’s budget to be addressed within 2 years. The floor drain within the vehicle storage building is not completely closed off; this drain needs to be plugged. There is a catch basin right beside the waste roll-off and within proximity to the salt storage. The waste roll-off should not be near the catch basin and extra care should be taken to prevent salt from entering the storm drain.

Overall, the Town is marginally meeting the requirements of MCM 6 but there is room for improvement of their management at Village facilities as noted above.

CONCLUSION

The Town of Brighton has a strong program for the review of stormwater pollution prevention plans. Although the Town has great public participation, the Town’s MS4 program only minimally incorporates focus areas, target audiences or specific educational messages. The Town’s MS4 program makes use of technical and educational materials provided by the Monroe County Stormwater Coalition; however, the Town has not identified how to best use them to achieve local MS4 goals.
The Town of Brighton needs to have written procedures for identifying, tracking down and eliminating illicit discharges; the Town needs to incorporate tracking and prioritization into their program, where required by the new permit; and the Town is recommended to take greater advantage of the training opportunities the Coalition provides.

Please make a written response by November 29, 2024; indicating what actions have been taken to address the above items requiring attention. Should you have any questions on this letter or on the requirements of our General Permits please feel free to call or email (585) 226-5427 or Luke.scannell@dec.ny.gov.

Sincerely,

Luke Scannell
Luke Scannell, PhD, P.E.
Professional Engineer I (Environmental)

ECC: Andrew Sansone – Monroe County
    Kelly Emerick – MCSWCD
    Jim Sprague – Town of Brighton
    Ken Hurley – Town of Brighton
    Tara Blum – NYSDEC
    Cecelia McAuliffe - NYSDEC
NEW BUSINESS
CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

July 10, 2024

THAT THE CLAIMS NUMBERED 2892 THROUGH 3093 AS SUMMARIZED BELOW HAVING BEEN APPROVED BY THE RESPECTIVE DEPARTMENT HEADS AND AUDITED BY THE CHAIR OF THE FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE ARE HEREBY APPROVED FOR PAYMENT.

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UPON ROLL CALL MOTION CARRIED

APPROVED BY:

SUPERVISOR
William W. Moehle

COUNCIL MEMBER
Nathaniel Salzman

COUNCIL MEMBER
Christopher Werner

COUNCIL MEMBER
Robin Wilt

COUNCIL MEMBER
Christine Corrado

TO THE SUPERVISOR:

I CERTIFY THAT THE VOUCHERS LISTED ABOVE WERE AUDITED BY THE CHAIR OF THE FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE AND APPROVED 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.

July 10, 2024
DATE

TOWN CLERK
Daniel Aman
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**Total**

- **EXCELLUS FSA & DENTAL** Total: $3,602.88
- **FASTENERS DIRECT** Total: $3,198.24
- **TOTAL**:
  - **EXCELLUS FSA & DENTAL** Total: $3,602.88
  - **FASTENERS DIRECT** Total: $3,198.24
  - **TOTAL**: $6,791.12
# TOWN OF BRIGHTON CLAIMS ABSTRACT FOR 7/10/2024
## CLAIM NUMBER 2892 THROUGH 3093

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**M & T Bank Total $616.48**

**Mayer Hardware Inc Total $261.65**

**Michael's #9415 Total -$34.99**

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**Monroe County DEPT OF HEALTH $110.00**

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- **STAPLES BUSINESS ADVANTAGE Total:** $1,018.18
- **STRONG MEDICAL GROUP Total:** $56.48
- **SUNOCO, LLC Total:** $10,290.82
- **TELLMORR INTERNATIONAL TRANSLATION SERVICES, LLC Total:** $422.50
- **THOMAS TAILOR SHOP Total:** $100.00
- **TIUNY HOLDINGS INC. Total:** $17,916.67
- **TOPS MARKETS INC Total:** $23.99
- **TRANSUNION RISK & ALTERNATIVE DATA SOLUTIONS, INC. Total:** $154.00
- **UDIG NY, INC (FORMERLY DIG SAFELY) Total:** $112.00
- **UNITED UNIFORMS CO INC Total:** $1,193.20
- **VALLEY SAND & GRAVEL Total:** $178.65
- **VERIZON CONNECT NWF INC. Total:** $629.15
- **VERIZON WIRELESS Total:** $2,006.97
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TOWN OF BRIGHTON CLAIMS ABSTRACT FOR 7/10/2024
CLAIM NUMBER 2892 THROUGH 3093

Grand Total $440,582.89
Present:

William W. Mohle,
Supervisor

Christopher K. Werner
Robin R. Wilt
Christine E. Corrado
Nathaniel V. Salzman,

Councilmembers

Whereas, the Town Board is in receipt of correspondence dated June 25, 2024 from Commissioner of Public Works James P. Sprague, P.E. and a letter report dated January 16, 2024 from Building Inspector Edward Shero regarding a request to declare a structure at 185 Kimbark Road in the Town of Brighton (Tax Map No. 123.13-5-58.1) as dangerous and unsafe under the provisions of Chapter 51 of the Brighton Town Code and to direct that notice pursuant to Chapter 51 be served and filed with respect to said property, and further requesting authorization to order an emergency board up of the property as requested by the Town of Brighton Fire Department, and

Whereas, the Town Board has reviewed the findings and recommendations of the above-referenced report, has considered the same and has determined in its opinion that the structure on said premises are dangerous and unsafe and should be demolished and removed, now

Be it resolved, that correspondence dated June 25, 2024 from Commissioner of Public Works James P. Sprague, P.E. and a letter report dated January 16, 2024 from Building Inspector Edward Shero regarding a request to declare a structure at 185 Kimbark Road (Tax Map No. 123.13-5-58.1) in the Town of Brighton as dangerous and unsafe under the provisions of Chapter 51 of the Brighton Town Code and to direct that notice pursuant to Chapter 51 be served and filed with respect to said property, and further requesting authorization to order an emergency board up of the property as requested by
the Town of Brighton Fire Department, be received and filed, and it is further

RESOLVED, that the Town Board hereby orders the demolition and removal of the building and structures located at 185 Kimbark Road in the Town of Brighton, County of Monroe, State of New York (Tax Map No. 123.13-5-58.1) pursuant to the provisions of Chapter 51 of the Brighton Town Code, and it is further

RESOLVED, that a public hearing on the demolition and removal of said building and structure be held at the Brighton Town Hall, 2300 Elmwood Avenue, Town of Brighton, County of Monroe, State of New York at 7:00 p.m. on the 14th day of August 2024 or as soon thereafter as the matter may be heard; and it is further

RESOLVED, that notice of the order of the Town Board and of the public hearing on the demolition and removal of said buildings and structures shall be served, filed and posted in the manner and on the persons and places as set forth in Chapter 51 of the Town Code; and it is further

RESOLVED that pursuant to Section 51-8 of the Town Code, the Town Board hereby finds that there is a clear and imminent danger to the life, safety or health of persons or property unless said structure is immediately secured, such that the Town Board hereby authorizes the Commissioner of Public Works or his designee to immediately order an emergency board up of the property; and it is further

RESOLVED, that the town shall be reimbursed for all costs of work performed or services rendered by assessment and levy on the real property on which such violations occurred, including but not limited to the cost of actually removing said buildings or structures and the cost of the emergency board up of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges.
Dated: July 10, 2024

William W. Moehle, Supervisor   Voting   ___
Christopher K. Werner, Councilmember   Voting   ___
Robin R. Wilt, Councilmember   Voting   ___
Christine E. Corrado, Councilmember   Voting   ___
Nathaniel V. Salzman, Councilmember   Voting   ___
25 June 2024

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

Re: 185 Kimbark Road
Rochester, New York 14610
Board Up and Demolition Request

Dear Chairperson Salzman and Committee Members:

The single family home at 185 Kimbark Road, Rochester, New York, is located in the Town of Brighton. This residential structure was assessed by Edward Shero, Building Inspector for the Town of Brighton, and found to be unsafe to the general public. Building Inspector Shero’s report is attached. Further, the Brighton Fire Department has requested that the Town proactively board up the multiple unsecured openings on this structure.

Under Chapter 51 of the Town of Brighton Code, the Town Board can, upon receipt of information that a structure is unsafe, initiate action to order the structure be made safe or be demolished. It is my recommendation that consideration of this property be added to the next available Finance and Administrative Services Committee (FASC) meeting, and this Chapter 51 process be initiated for this property. Should the property owner fail to make the property safe in compliance with Chapter 51, I recommend that the Town of Brighton pursue demolishing it.

Further, I request authorization to order an emergency board up of the property, as requested by the Brighton Fire Department.

Please contact me at your convenience with any questions about this matter.

Regards,

James P. Sprague, P.E.
Commissioner of Public Works

cc: Earl Johnson, Director of Finance, Staff to the FASC
Edward Shero, Building Inspector
Christopher Roth, Fire Marshall
January 16, 2024

Mr. Evert Garcia, Public Works Commissioner
Town of Brighton
2300 Elmwood Ave.
Rochester, New York 14618

Re: 185 Kimbark Rd. Rochester, NY 14610
Condition Assessment

Dear Commissioner Garcia,

I conducted a site visit of the home at the above referenced address on December 28th, 2023 to assess the condition of the structure. The home has been vacant and neglected for many years. Because of this neglect the home has been damaged by the weather and external elements. This assessment was limited to the exterior of the building.

The following report summarizes my observations:

The site visit revealed that the home has been vacant and unoccupied for a number of years. It was not possible to access the home and assess any interior damage. The home in its current dilapidated condition is unsafe to the general public and is unfit for the purpose for which it may lawfully be used. The following pictures document the condition of the home with attached garage at 185 Kimbark Rd.

Photo 1 Front of 185 Kimbark Rd.
Photo's 1 and 2 illustrate a deteriorated and dilapidated roof without any permanent covering. The temporary covering has come lose in several spots and water is leaking through penetrations not properly sealed.

Photo 2 rear of 185 Kimbark Rd.

Photo 3 inside of 185 Kimbark d.

Photo 3 is taken through the open patio door door. You can see the ceiling wall board an insulation falling down.
Photo 4 Rear of 185 Kimbark Rd.

Photo 4 shows open window in the rear of 185 Kimbark Rd.

Photo’s 5 & 6 show large amounts debris in rear yard. There is an abandoned hot tub in the yard. A open and unsecured shed is shown.

Photo 5 is the rear of property at 185 Kimbark Rd

Photo 6 shows the open and unsecured shed at 185 Kimbark Rd
Chapter 51 of the Code of the Town of Brighton states, “Unsafe buildings or structures pose a threat to life and property. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings or structures not properly secured also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients.” The documentation presented previously demonstrates that the house and garage at 185 Kimbark Rd are unsafe structures in accordance with Chapter 51 of the Code of the Town of Brighton.

After conducting this site investigation it is my opinion that the house and garage at 185 Kimbark Rd are unsafe to the general public, are open and unsecured to human and animal life and are unfit for the purposes for which they may be lawfully used. The property is vacant and abandoned which presents the possibility of congregation by vagrants and transients. It is my recommendation as the Building Inspector that the house and garage at 185 Kimbark Rd. are unsafe buildings and should be demolished to insure the health, safety and welfare of the general public.

Sincerely,

Edward Shero, Building Inspector
At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held on the 10th day of July, 2024 at Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, New York

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

CHRISTOPHER K. WERNER
ROBIN R. WILT
CHRISTINE E. CORRADO
NATHANIEL V. SALZMAN,
Councilmembers

BE IT RESOLVED, that: (i) correspondence dated July 2, 2024 from Senior Planner Rick DiStefano regarding the Home Leasing and Providence Housing’s proposed incentive zoning/rezoning application for the development of an affordable housing community located on the south side of Elmwood Avenue bordering the City of Rochester (Tax ID# 136.14-1-1.2 and 136.14-1-1.3) (the “Application”), and his request to direct the Senior Planner to submit the required Development Referral Form and documents to Monroe County Department of Planning and Development for review, to set a public hearing regarding the Application, to direct the Senior Planner to provide the applicant with a copy of the Town of Brighton’s Policy on Public Notice for Incentive Zoning and Rezoning Applications and the name of all interested parties, and to direct the applicant to mail written notice to affected residents of multi-family dwellings; (ii) correspondence dated July 1, 2024 from Betsy D. Brugg, Esq. as counsel to Home Leasing and Providence Housing regarding the Application; and (iii) the Town of Brighton Planning Board advisory report dated June 20, 2024 pursuant to Section 209-5(C) of the Town Comprehensive Development Regulations, be received and filed; and it is further

RESOLVED, that with respect to the Application, the Town Board hereby:
1. Directs the Senior Planner to submit the required Development Referral Form and documents to Monroe County Department of Planning and Development for review;

2. Hereby sets a public hearing for August 14, 2024 at 7:00 p.m. or as soon thereafter as the matter may be heard at Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, New York, and said hearing shall be conducted pursuant to Chapter 209 of the Town Code for the Application and shall be further conducted pursuant to Municipal Home Rule Section 20 to consider the adoption of the attached proposed Local Law for rezoning the subject parcels, and further directs the Town Clerk to post in the official newspaper of the Town notice of said public hearing not later than five days prior to said hearing;

3. Directs the Senior Planner to provide the applicant with a copy of the Town of Brighton's Policy on Public Notice for Incentive Zoning and Rezoning Applications; and

4. Directs the applicant to mail written notice to affected residents of multi-family dwellings.

Dated: July 10, 2024

William W. Moehle, Supervisor

Voting

Christopher K. Werner, Councilmember

Voting

Robin R. Wilt, Councilmember

Voting

Christine E. Corrado, Councilmember

Voting

Nathaniel V. Salzman, Councilmember

Voting
Local Law # of 2024
“Rezoning of Home Leasing and Providence Housing” Local Law

Section 1. Title

This Local Law shall be known as the “Rezoning of Home Leasing and Providence Housing parcels” Local Law of the Town of Brighton.

Section 2. Purpose.

It is the purpose and intent of this Local Law to amend the Town Zoning Map to change the zoning of the parcels on which the Home Leasing and Providence Housing project is proposed to be constructed to bring the zoning for said parcels to be more in compliance with the Town’s Comprehensive Plan and the current Town Board’s vision for the development of these parcels and to make zoning better fit in with the existing development on adjacent parcels.

Section 3. Amendments to the Town Zoning Map.

Pursuant to the provisions of Municipal Home Rule Law Section 10 and in lieu of the provisions of Town Law Section 264, the Town Board of the Town of Brighton hereby amends the Zoning Map of the Town of Brighton by changing the zoning for Tax Parcels 136.14-1-1.2 and 136.14-1-1.3 from RLB-Residential Low Density to RHD-2 Residential High Density.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.
July 2, 2024

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

Re: Home Leasing & Providence Housing – Westgate Apartments, Elmwood Avenue, Incentive Zoning / Rezoning Application

Honorable Supervisor and Members:

I Recommend that your Honorable Body:

1. Receive and file this communication and the attached letter submitted by Betsy D. Brugg, Esq., Woods Oviatt Gilman LLP, dated July 1, 2024.

2. Receive and file the attached advisory report from the Town of Brighton Planning Board pursuant to Section 209-5. C. of the Comprehensive Development Regulations.

3. Direct the Senior Planner to submit the required Development Referral Form and documents to Monroe County Department of Planning and Development for review.

4. Set a public hearing regarding the Incentive Zoning / Rezoning Application.

5. Direct the Senior Planner to provide the applicant with a copy of the Town of Brighton’s Policy on Public Notice for Incentive Zoning and Rezoning Applications and name of all Interested Parties.

6. Require the applicant to mail written notice to Affected Residents of multi-family dwellings at the Board’s discretion.

Respectfully Submitted,

Rick DiStefano
Senior Planner

cc: J. Sprague
    J. Mancuso

attachments
July 1, 2024

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

Re: Home Leasing & Providence Housing
Proposed Affordable Housing Development- Westgate Apartments
Tax Parcels #136.14-1-1.2 and #136.14-1-1.3
Request Public Hearing for Rezoning and Incentive Zoning Request

Dear Town Board Members:

This letter is forwarded to request that the Town Board schedule a public hearing for the application for rezoning and incentive zoning approval for the proposed Westgate Apartment project, a proposed development consisting of 120 units of affordable and supportive housing by Home Leasing and Providence Housing, proposed on the above-referenced property.

The Town Board referred the application to the Planning Board for its review and report pursuant to the Town Code. We appeared at the Planning Board on the referral of the application at their meeting of June 20, 2024. The referral was well received and the Planning Board issued a report back to the Town Board. The next step in the approval process is for the Town Board to set a public hearing for the application. Accordingly, we are requesting that the Town Board set the public hearing at your July 10 meeting (your next meeting), for the hearing to be held at your August 14 meeting (or sooner if feasible). We have not received the final Planning Board report yet but will request a copy. We look forward to presenting and discussing the project at a public hearing.

We are also familiar with the Town’s Public Notice Policy which requires the applicant to send notice of the public hearing to neighboring properties within 1,000 feet. The Town Board has the discretion to determine the extent to which to require the applicant to send the notice of hearing to residents of apartment communities, in addition to the property owners, as well notices to neighbors outside the Town.

In this case, we propose to send the notice to residents of the adjacent Brookstone Independent Senior Living Community in Brighton, and St. John’s Meadows (if they are within 1000 feet) as these are the most immediate Brighton neighbors to the property and most directly
affected by the project. Home Leasing has met with residents and maintains communication with Brookstone about the project.

Notice to residents of the massive Elmwood Manor Apartments, mostly beyond 1,000 feet and the several residential streets in the City would be extremely burdensome and excessive given the tremendous number of dwelling units involved, and the fact that there was extensive public input when the City of Rochester adopted its PDD zoning for the property in the City, when matters such as the entire road system were established and approved. Public interest today would likely focus less on the present affordable housing request than on curiosity about the Terrance Building, the larger City project, and matters addressed in past approval by the City. Of course, we would provide notice to the owners of the Elmwood Manor Apartments, who could share that information with their tenants, as well as the Azalea Neighborhood Association.

We look forward to appearing at a public hearing on this request for rezoning and incentive zoning approval. Should you require any additional information or have any questions regarding this matter, please do not hesitate to contact us at any time.

Thank you for your consideration.

Very truly yours,

WOODS OVIATT GILMAN LLP

Betsy D. Brugg
Please direct responses to Rochester Office

C: Home Leasing- Bret Garwood, Adam Driscoll, Angela Eicholtz
Colliers Engineers & Design—Brian Burri
John A. Mancuso, Esq, Town Attorney.
Rick DiStefano, Town Senior Planner
June 20, 2024

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

RE: Planning Board Advisory Report

Regarding Home Leasing and Providence Housing’s Incentive Zoning proposal to construct 120 units of affordable housing (40 townhouses and an 80 unit multifamily building) and other site improvements on the 9.88 +/- acre Brighton portion of the former state hospital property located on Elmwood Avenue (Tax parcels 136.14-1-1.2 and 136.14-1-1.3) (the “Project”).

Dear Town Board Members:

On June 20, 2024, the Planning Board reviewed the above referenced matter and offers the following comments regarding the adequacy of the proposed Project as it relates to the project site and the adjacent uses and structures.

1. The Planning Board supports the proposed application and recommends to the Town Board that the Project is worthy of further consideration as part of the Incentive Zoning review process. The proposed Project appears to be well suited for the project site and area. The proposal also furthers the town’s comprehensive plan (Envision Brighton 2028), specifically:

   Environmental Policy Objective (volume 2, page 6):
   “Preserve, in their natural state, open space areas that have significant ecological value, and sensitive environmental areas, including wetlands, floodplains, watercourses, woodlots, steep slopes, and wildlife habitats.”

   Environmental Policy Objective (volume 2, page 6):
   “Promote and support the increased use of renewable energy sources…”

   Sense of Community Policy Objective (volume 2, page 12):
   “Provide a balance in the type and affordability of housing for Brighton residents, employing smart-growth principles that strategically encourage density and diversity of housing options in areas with ready access to local goods, services, infrastructure, and mass transit.”
2. The Planning Board recommends that the Town move to a public hearing on this application only after receiving firm commitments on the proposed amenities that include affordable and supportive housing, adherence to green building standards, open space/playground, and real property taxes.

3. The Planning Board notes the proposed amenity of affordable housing is the first on the list identified in the Incentive Zoning chapter of the Town Code. Town of Brighton Code Section 209-3: Amenities for which incentives may be offered under this article.

4. The bulk of the former state hospital site, including the Terrence Building, immediately to the west of the project site, located over the town line in the City of Rochester, currently has proposed development under review by the City. Careful and ongoing coordination between the Town of Brighton review processes and the City of Rochester review processes is necessary to create an efficient, cohesive development. This is especially critical since substantial vehicular traffic and nearly all the pedestrian access for the 9.88 acre Brighton portion will pass through the City.

5. The Planning Board notes the proposal does not include any new curb openings on any public road. All vehicular access to the project site will be from a new private road to be constructed just over the town line, to the west, in the City of Rochester. This will connect at the north to the existing cross access point to Brickstone Circle and at the south to the existing Science Parkway and ultimately to South Avenue. This new private roadway is entirely within the City of Rochester and conceptual plans show sidewalks on both sides.

While this transportation infrastructure is in an adjacent municipality, it is critical to the accessibility of the development on the Brighton side of the municipal boundary. Affordable housing, in particular, should carefully consider access to transit. The sidewalk network to the west provides this access to transit on Elmwood Avenue and South Avenue.

6. Regional materials should be used to construct the proposed Project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.

7. The inclusion of renewable energy installations (ground mounted solar) is to be commended.

8. The project is adjacent to the existing Highland Crossing Trail and the applicant has also noted that the project site contains environmentally sensitive areas, including wetlands and a woodlot. In order to accommodate and protect such environmental resources, the applicant has represented that a 100 foot buffer around the wetlands within the subject site will be maintained, the Project will complement the existing Highland Crossing Trail, and the applicant will offer a conservation easement to the Town of Brighton, which will
assist in the creation of a greenway between the Town Park on Westfall Road and Highland Park in the City of Rochester. The Town Board may wish to consider an additional amenity in the form of trail improvements, including but not limited to trail surface rehabilitation and landscaped buffers, subject to Site Plan Review and the Town Engineer.

9. Environmental Review pursuant to the New York State Environmental Quality Review Act was conducted by the City of Rochester in 2017 and a Negative Declaration was issued. As the project remains substantially the same, it is consistent with the 2017 Environmental Determination.

10. The provisions of Code Section 225-6(b) require that the Planning Board make a determination concerning the following issues:

(a) Whether the uses permitted by the proposed change would be appropriate in the area concerned.

The site under review is bordered by large scale legacy institutional structures to the west and south and medium scale residential development to the east.

Given the scale and intensity of existing and proposed surrounding land uses, both in the Town of Brighton and the City of Rochester, the uses permitted by the proposed zoning change are entirely appropriate for the area concerned.

(b) Whether adequate public school facilities and other public facilities and services, including roads, exist or can be reasonably expected to be created to serve the needs of any additional dwellings or other uses likely to be constructed as a result of such change.

Access to the project site from Elmwood Avenue will be through the existing Brickstone development to the east. In addition, there is proposed access to the existing traffic light at Elmwood Avenue and Azalea Road via a new internal street network to the west, to South Avenue via an extension of Science Parkway, and to the existing traffic light at Westfall Road at Sawgrass Drive via the internal street network to the south.

The nearest transit service to the project site is at the north end of the site, surrounding the intersection of Elmwood Avenue and Goodman Street. These stops are currently served by RTS routes 97 and 41. A little over a half a mile to the west of the site, there is additional transit access to RTS route 13 at South Avenue and Science Parkway.

The proposed zoning change will allow additional residential development that will include school-age children. However, only 34 units of the 120 total will be three bedroom units and only 14 will be two bedroom units. It is reasonable to expect that the Brighton Central School District has adequate school capacity for
48 housing units sized to accommodate families, if the school-age children residing at the project site attend Brighton Central School District schools.

(c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.

The proposed rezoning to Residential High Density 2 (RHD-2) District is in accord with the proposed development immediately adjacent to the west on the rest of the former state hospital site and with existing medium density residential development to the east.

(d) The effect of the proposed amendment upon the growth of the town as envisioned by the Master Plan.

As noted in item #1 of this document, the proposed zoning change furthers the town’s comprehensive plan (Envision Brighton 2028).

11. If the Town Board decides to move forward with the IZ proposal, the Planning Board looks forward to providing additional project review and comment as part of the site plan review and approval process.

Sincerely,

[Signature]

Jason Haremza, AICP
Executive Secretary
Planning Board
At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held on the 10th day of July, 2024 at Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, New York

PRESENT:

WILLIAM W. MOEHLE,  
Supervisor  

CHRISTOPHER K. WERNER 
ROBIN R. WILT 
CHRISTINE E. CORRADO 
NATHANIEL V. SALZMAN,  

Councilmembers

BE IT RESOLVED, that correspondence dated June 27, 2024 from Town Clerk Daniel Aman regarding a request to adopt the Standard Workday and Reporting Resolution for Elected and Appointed Officials, be received and filed; and be it further

RESOLVED, that the Town Board hereby adopts the Standard Work Day Reporting for Elected and Appointed Officials attached to the above-referenced correspondence and all information specifically contained in Forms RS 2417-A and RS 2417-B, which will be filed with the Office of the State Comptroller within fifteen (15) days after the required thirty (30) day posting period ends.

Dated: July 10, 2024

William W. Moehle, Supervisor  Voting  ___  
Christopher K. Werner, Councilmember  Voting  ___  
Robin R. Wilt, Councilmember  Voting  ___  
Christine E. Corrado, Councilmember  Voting  ___  
Nathaniel V. Salzman, Councilmember  Voting  ___
June 27, 2024

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

RE: Standard Work Day Reporting for Elected and Appointed Officials

Honorable Councilmembers,

Per Regulation 315.4 of the New York State Retirement System, attached is a Standard Work Day Reporting Resolution that is required to be adopted by the Town Board. The resolution covers elected Town officials who began a new or subsequent term on 1/1/2024 and any appointed positions of those officials who are members of the NYS Local Retirement System and do not participate in the Town’s time keeping system. The days per month reported on this resolution for elected and appointed Town officials were calculated based upon the individual’s Record of Work Activities detailing hours worked on Town business for a 90 day period since the appointment or term commencement or based upon recertification of a prior Record of Work Activities.

I am recommending that the Town Board adopt the attached Standard Work Day and Reporting Resolution for Elected and Appointed Officials.

Sincerely,

Daniel Aman  
Town Clerk / Receiver of Taxes  
Town of Brighton
**Standard Work Day and Reporting Resolution for Elected and Appointed Officials**

**RS 2417-A**

(Rev. 12/23)

**BE IT RESOLVED,** that the TOWN OF BRIGHTON hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

<table>
<thead>
<tr>
<th>Name</th>
<th>Social Security Number</th>
<th>NYSRLS ID</th>
<th>Title</th>
<th>Current Term Begin &amp; End Dates</th>
<th>Standard Work Day</th>
<th>Record of Activities Result</th>
<th>Not Submitted</th>
<th>Pay Frequency</th>
<th>Tier 1</th>
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<tbody>
<tr>
<td>WILLIAM MOEHLE</td>
<td></td>
<td></td>
<td>TOWN SUPERVISOR</td>
<td>1/1/2024-12/31/2025</td>
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<td>39.82</td>
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<tr>
<td>NATHANIEL SALZMAN</td>
<td></td>
<td></td>
<td>COUNCILMEMBER</td>
<td>1/1/2024-12/31/2025</td>
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<td>7.20</td>
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<td>BIWEEKLY</td>
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<tr>
<td>VIKRAM VILKHU</td>
<td></td>
<td></td>
<td>TOWN JUDGE</td>
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**Appointed Officials:**

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<th>NYSRLS ID</th>
<th>Title</th>
<th>Current Term Begin &amp; End Dates</th>
<th>Standard Work Day</th>
<th>Record of Activities Result</th>
<th>Not Submitted</th>
<th>Pay Frequency</th>
<th>Tier 1</th>
</tr>
</thead>
</table>

**I, DANIEL AMAN**

(Name of Secretary or Clerk)

(Circle one)

(Name of Employer)

(secretary/Clark of the governing board of the TOWN OF BRIGHTON of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 10TH day of JULY, 2024 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF BRIGHTON on this _____ day of _____________, 20___

(Name of Employer)

(Signature of Secretary or Clerk)

Affidavit of Posting: I, DANIEL AMAN

(Name of Secretary or Clerk)

being duly sworn, deposes and says that the posting of the Resolution began on _______________ and continued for at least 30 days. That the Resolution was available to the public on the:

(Date)

- Employer’s website at: WWW.TOWNOFBRIGHTON.ORG
- Official sign board at: __________________________
- Main entrance Secretary or Clerk’s office at: __________________________

Page 1 of 2 (for additional rows, attach a RS 2417-B form.)
## Elected Officials:

<table>
<thead>
<tr>
<th>Name</th>
<th>Social Security Number</th>
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<th>Record of Activities Result</th>
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<td>DANIEL AMAN</td>
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<td>TOWN CLERK</td>
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<tr>
<td>CHRISTOPHER WERNER</td>
<td></td>
<td></td>
<td>COUNCILMEMBER</td>
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<td>6</td>
<td>7.23</td>
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<td>BI WEEKLY</td>
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<th>Tier 1</th>
</tr>
</thead>
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Employer: TOWN OF BRIGHTON  
Employer Location Code: 30033  
Page 2 of 2 (use with form RS 2417-A)
At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held on the 10th day of July 2024 at Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, New York

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

CHRISTOPHER K. WERNER
ROBIN R. WILT
CHRISTINE E. CORRADO
NATHANIEL V. SALZMAN,

Councilmembers

WHEREAS, in 1980, the Brighton Town Board rezoned approximately 20 acres west of South Winton Road and south of the I-590 Expressway from RLB (single family residential) to D-1 (high density residential) to allow the establishment of the Jewish Home, pursuant to which the Jewish Home building was built, being a parcel with Tax ID No. 150.09-1-1.1 and known as Lot R-1 (the “Jewish Senior Life Campus”); and

WHEREAS, by resolution on August 14, 1996, the Town Board granted rezoning and incentive zoning approval, incorporating the inclusion and development of two (2) additional parcels as part of the Jewish Senior Life Campus, which parcels where called therein "Lot 1" (the parcel with Tax ID No. 149.12-1-34) and "Lot 2" (the parcel with Tax ID. No. 149.12-1-33), with the entire campus now being owned and operated by the entity know as Jewish Senior Life (“JSL”); and

WHEREAS, by resolution dated March 11, 2015, the Town Board granted an amendment to the Incentive Zoning approvals related to the lot now known as Lot AR-1 on the Jewish Senior Life Campus to allow for the construction of "Green Houses” on Lot AR-1 (the “2015 IZ Resolution”); and

WHEREAS, Schedule C-2 of the 2015 IZ Resolution provides for the following conditions of approval (among others):
1. That, Lot AR-1 shall only be developed in accord with this resolution, in general accord with the Conceptual Site Plan dated May 1, 2014, (Plan), prepared by Perkins Eastman attached hereto as Exhibit G, and as the same may be modified and approved by the Planning Board during the site plan approval process.

2. That the maximum new development on Lot AR-1 shall be as follows:
   a. A total of six (6) “Green House” buildings with a maximum of 168 skilled nursing beds will be constructed. Four (4) buildings will be 3-stories and two (2) buildings will be 1-story as described in the Proposal;
   b. An independent living building not exceeding 78,200 gross square feet with a maximum of 75 residential units will be constructed and described in the Proposal; and

   WHEREAS, the Town Board previously filed correspondence dated February 22, 2024 from Senior Planner Rick DiStefano regarding a request to amend Schedule C-2, Condition 1 and Condition 2, of the 2015 IZ Resolution to facilitate the continued development of Lot AR-1 of the Jewish Senior Life Campus, as described in the Letter of Intent/Application dated December 27, 2023 from Jerry Goldman, Esq. as counsel to JSL, and Supplemental Letter of Intent/Application dated February 9, 2024 from Mr. Goldman, and as set forth in a Full Environmental Assessment Form, and Expanded EAF report, as well as engineering and architectural plans (the “Proposal”); and

   WHEREAS, pursuant to the Proposal, JSL described its need for moderately priced independent living apartment units proximate to the Jewish Senior Life Campus to address the ongoing demand for such facilities and services, which includes the following:
   1. To increase the building footprint of the independent living building to no more than 90,000 square feet;
2. To increase the number of residential units of the independent living building from 75 to 90 residential units; and
3. To eliminate three (3) of the originally approved six (6) “Green House” buildings, thereby reducing the skilled nursing bed count in the “Green House” buildings from 168 to 108 beds; and

WHEREAS, the Proposal does not otherwise propose any changes to the incentives or amenities as previously approved by the Town Board; and

WHEREAS, to enable the current Proposal to move forward, JSL has requested that the Town Board amend Schedule C-2, Condition 1 and Condition 2, of the 2015 IZ Resolution; and

WHEREAS, the Town Board wishes to move forward with the Proposal of JSL and take the necessary step to amend the 2015 IZ Resolution as described above; and

WHEREAS, JSL has submitted a Full Environmental Assessment Form, and Expanded EAF report, as well as engineering and architectural plans, the Town Board has declared itself as lead agency for environmental review of the proposal pursuant to the State Environmental Quality Review Act ("SEQRA") and the regulations promulgated thereunder, sent notice to all involved agencies, and more than thirty days has elapsed since notice was sent and no involved agency has objected the Town Board as lead agency under SEQRA; and

WHEREAS, the Town Board duly scheduled a public hearing to be held on April 10, 2024 at 7:00 p.m. to consider the Proposal and the environmental review thereof; and

WHEREAS, such public hearing was duly called and held on April 10, 2024 at 7:00 p.m., and all persons having an interest in the matter have had an opportunity to be heard.

NOW, THEREFORE, on motion of Councilperson ____________________, seconded by Councilperson __________________,
BE IT RESOLVED, that each of the Whereas Clauses in this Resolution is incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein; and it is further

RESOLVED, that all written comments provided to the Town at or before the public hearing held on April 10, 2024 regarding the Proposal be received and filed as part of the record of the hearing; and it is further

RESOLVED, that correspondence dated July 1, 2024 from Senior Planner Rick DiStefano, together with the attached Negative Declaration for the Proposal, and correspondence dated June 25, 2024 from Jerry Goldman, Esq. as counsel to JSL, be received and filed; and it is further

RESOLVED, that the Town Board as Lead Agency has taken a hard look at the potential environmental impacts of the Proposal and reviewed the Full Environmental Assessment Form, Expanded EAF report, engineering and architectural plans, and other materials associated with the Proposal, and has made the determination that the Proposal will not have a significant adverse impact on the environment and hereby adopts the Negative Declaration attached hereto as Exhibit A; 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 the Comprehensive Development Regulations of the Town of Brighton, that the Proposal is hereby approved and Schedule C-2, Condition 1 and Condition 2, of the 2015 IZ Resolution are amended as follows:

1. That, Lot AR-1 shall only be developed in accord with this resolution, and in general accord with the Overall Plan C1.0 dated February 7, 2024 prepared by Marathon Engineering attached hereto as Exhibit B, as the same may be modified and approved by the Planning Board during the site plan approval process.

2. That the maximum new development on Lot AR-1 shall be as follows:
a. A total of three (3) 3-story “Green House” buildings with a maximum of 108 skilled nursing beds will be constructed;
b. An independent living building not exceeding 90,000 gross square feet with a maximum of 90 residential units will be constructed; and it is further

RESOLVED, that the variance for front yard parking deemed necessary by JSL as identified in Mr. Goldman’s June 25, 2024 correspondence will be applied for to the Town Zoning Board of Appeals concurrently with JSL’s application for site plan approval to the Town Planning Board.

Dated:  July 10, 2024

William W. Moehle, Supervisor       Voting  ____
Christopher K. Werner, Councilmember Voting  ____
Robin R. Wilt, Councilmember         Voting  ____
Christine E. Corrado, Councilmember  Voting  ____
Nathaniel V. Salzman, Councilmember  Voting  ____
July 1, 2024

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

Re:  Negative Declaration - Jewish Senior Life Campus - Incentive Zoning Modification

Honorable Supervisor and Members:

I recommend that your Honorable Body receive and file this letter and the attached negative declaration for the Jewish Senior Life Campus Incentive Zoning Modification.

Based on the Full Environmental Assessment Form (FEAF) and Supplemental Information to the FEAF submitted by the applicant, it has been determined that the proposed action will not result in any adverse environmental impacts.

It is also recommended that the Town Board adopt the attached negative declaration.

Respectfully Submitted

Rick DiStefano
Environmental Review Liaison Officer

cc:  J. Sprague
     J. Mancuso

attachment
State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: ER-3-24

Date: April 10, 2024

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: 2021 Winton Road South - Jewish Senior Life Modification

SEQR Status: Type I

Conditioned Negative Declaration: No

Description of Action: The action involves an increase in an approved Independent Senior Living Building from 78,200 sf to 90,000 sf with an increase in unit count from 75 to 90. The building’s footprint will be relatively similar however a 4th story will be added. The design of the Independent Living building will be consistent with the rest of the Jewish Senior Life campus. Elimination of three future “Green House” buildings is proposed thereby reducing the skilled nursing bed count in the Green House buildings from 168 to 108.

Location: 2021 Winton Road South Tax ID parcel 150.09-1-1.11, 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 Board finds that the proposed action will not have a significant impact on the environment based on the following finding:

Reasons Supporting This Determination:

After considering the action contemplated and reviewing the Full Environmental Assessment Form (FEAF) and Supplement Information to the FEAF 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 Board finds that the proposed action will not have a significant impact on the environment based on the following findings:
1. **Geology, Topography and Soils**

The proposed action is located with previously disturbed portions of the site used for construction staging for the 2015 project. Natural slopes will remain substantially unchanged, and topsoil will be stockpiled for restoration of the site in accordance with New York State Department of Environmental Conservation requirements. There may be a need to import select fill for building and pavement area.

No significant geological, soil erosion or topographically related impacts will result from the proposed action.

2. **Surface Waters / Drainage**

The proposed action will not significantly change from the previous reviewed and approved project. The stormwater management systems will incorporate a combination of conveyance systems, stormwater management as well as standard and green infrastructure (GI) practices to treat storm water for water quality improvements and discharge it from the site at controlled rates. These improvements will provide the water quality volume needed to meet the pollutant removal goals specified in the Irondequoit Creek Watershed Stormwater Management Report Requirements and the latest New York State Stormwater Design Manual. In addition, these practices will provide a reduction of peak flows rates below existing peak runoff rates meeting the Town of Brighton and New York State Stormwater Design Manual requirements. Thus, there is “No Impact.”

3. **Terrestrial and Aquatic Ecology**

Per the October 22, 2014, Negative Declaration no habitat for rare fish, animal or plants that were listed as potential endangered species were identified on the development site. However, an additional species (short-eared owl) was identified as a potential endangered or threatened species in the Full Environmental Assessment Form. Short-eared owls have pasture and meadow habitats that support small mammals and nesting. The project site is currently maintained as lawn and has recently been utilized for construction staging. The proposed development is wholly located within the previous project area and no changes have occurred on site affecting terrestrial and aquatic ecology, therefore having no adverse impact.

4. **Transportation**

The associated parking, utilities and site improvements for the project modification occupy the area that was earmarked for Green House #4 precluding the 36 beds within the Green House from being constructed.

The range of rates and ratios of traffic entering / exiting for distribution are similar between Assisted Living and Senior Adult Housing uses within the Institute of Traffic Engineers (ITE) calculation sheets and the peak hour of generation does not correlate to the peak hour of adjacent roadways. As there is no proposed increase in units on the site there are no anticipated adverse impacts related to traffic from the project.

5. **Land Use and Zoning**
The property was not identified within Envision Brighton 2028 Comprehensive Plan and there are currently no recommendations regarding the land use of the parcel.

The land use surrounding the parcel is well established and virtually built out. Uses include senior housing, office complexes, medium to high residential housing, a town park and a highway. The increase of Independent Living building units is offset by the reduction of skilled nursing beds through the elimination of three Green Houses. The proposed project modification has an inconsequential impact on building coverage and impervious surface coverage. The proposed project is consistent with the original incentive zoning approvals and therefore will have no adverse environmental impacts.

6. **Community Services**

No increase in units is proposed, therefore having no anticipated adverse impacts related to community services. The project per Schedule C-1 of the 2015 incentive zoning approval summarizes the project’s contribution to the community via tax and a PILOT agreement.

7. **Cultural Resources**

The proposed project is wholly located within the previously approved project area and no changes have occurred on the site that affect cultural resources, therefore there is no adverse impact from the modified project.

8. **Visual Resources**

The proposed project modifies the Independent Living building from 3-stories to 4-stories with an increase of building height (average grade to midpoint of roof) from 43 ft. to 51 ft. Zoning permits up to 7 stories and 80 ft. in height, thus, not requiring, and incentive modification.

The 2014 SEQRA document includes several views of the proposed project showing both the Green Houses and 3-story Independent Living building to determine if there is any visual impact to the surrounding community. The proposed modification allowing for a 4-story Independent Living building is similar in size and scale to the original approved design. Views from the original have been recreated with the modified architecture and demonstrate there are no adverse impacts related to visual resources as a result to the project modification. In addition, two 4-story Independent Living buildings on an adjacent parcel (2000 Summit Circle Drive) each with a building height of 50 +/- ft. have recently been approved.

9. **Impact on Land, Construction**

The proposed action is a modification of an independent living building not exceeding 78,200 gross square feet with a maximum of 75 residential units to an independent living building not exceeding 90,000 gross square feet with a maximum of 90 residential units located within a previously disturbed area of the site used for construction staging as part of previous development. Land disturbance will be essentially the same as reviewed and approved under previous approvals (SEQRA Negative Declaration - October 22, 2014). A SWPPP will be provided as part of the project that is in full compliance with the New York State Department of Conservation General Permit, as well as the New York State ‘blue Book’. Thus, there is no adverse impact.
10. **The Summit Environmental Impact Statement**

In conjunction with the 1996 “The Summit” Incentive Zoning/Rezoning Environmental Impact Study and the 2015 Jewish Senior Life Incentive Zoning environmental review, the proposed project modification will be within the parameters of those environmental review findings.

Based upon this information and the information contained in the completed Full EAF, and the other information summarized herein comprising the Town Board record in this matter, the Town Board finds that the proposed action will not have any significant adverse impact upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

**Lead Agency:** Town Board of the Town of Brighton

For further information:

**Contact Person:** Rick DiStefano, Environmental Review Liaison Officer

**Address:**
Town of Brighton  
2300 Elmwood Avenue  
Rochester, N.Y. 14618
June 25, 2024

Town Board of the Town of Brighton
2300 Elmwood Ave.
Rochester, New York 14618
Attn: Supervisor William W. Moehle

APPLICATION UPDATE
Re: Jewish Home parcel of the Jewish Senior Life Campus – 2021 South Winton Road
Amendment of Schedule C-2, Paragraph 2 - Incentive Zoning Approval dated 3/11/2015

Dear Board Members:

This office has been retained by Jewish Senior Life (and its affiliate, the Jewish Home of Rochester) to assist in obtaining governmental approval to modify a Schedule of the Incentive Zoning approval granted by the Town Board by Resolution dated March 11, 2015, related to the development of the "Jewish Home parcel" (Lot 1 of the Jewish Senior Life Campus).

The request is made to accommodate a proposed minor alteration of design for, and occupancy of, the moderate-income Independent Living building, which was an integral part of the Incentive Zoning plan considered in 2015. The details of this request are set forth in my Letter of Intent/Application dated December 27, 2023 and Supplemental Letter of Intent/Application dated February 9, 2024,

The December Letter of Intent sets forth the proposal to amend Condition C-2 of the Incentive Zoning approval to increase the maximum size of the proposed Independent Living building from 75 dwelling units and 75,000 square feet of building to 90 units and 90,000 square feet.

After meeting with the Town Board Public Works Committee on January 9, we prepared our February Supplemental Letter of Intent containing proposed language for the Amendment for the Town Board’s consideration.

The Town Board held a public hearing on the proposal on April 10, 2024. Pursuant to the Town’s Policy on Public Notice for Incentive Zoning and Rezoning Applications, notice of the hearing was sent to over 100 Brighton residents and property owners and a sign was posted on the property. No
member of the public appeared and spoke at the public hearing. The public hearing was closed on April 10.

In order to attend to internal administrative matters, primarily related to financing of the project, the applicant requested that the decision on significance of the Action under the State Environmental Quality Review Act (SEQR) and on the underlying request for approval of the amendment of the Condition, be deferred. The applicant has now resolved its issue and is requesting that the Town Board take action on SEQR and the proposed amendment.

While the original Incentive Zoning approval waived the Town Code requirement for an element of covered parking, JSL, in refining its project, is adding a carport structure over a portion of the parking field, bringing its proposal in closer conformance to the Town Code. Although the covered parking is in the inside notch of the L-shaped building, an area variance for front yard parking is deemed necessary and will be applied for by JSL concurrent with its application for site plan approval to the Planning Board.

We would request that this matter be placed on the July 10, 2024 Town Board agenda for consideration of the SEQR and requested amendment.

If any Board member has any questions, please do not hesitate to contact me.

As always, thank you very much for your courtesy.

Very Truly Yours,

WOODS OVIATT GILMAN LLP

Jerry A. Goldman

Please direct responses to Rochester Office

JAG/dgl
MATTERS OF THE SUPERVISOR