

MINUTES OF TOWN BOARD MEETING
OF THE TOWN OF BRIGHTON, COUNTY OF
MONROE, NEW YORK, HELD AT THE
BRIGHTON TOWN HALL, 2300 ELMWOOD
AVENUE, ROCHESTER, NEW YORK
May 25, 2016

Present:

Supervisor William Moehle
Councilmember James Vogel
Councilmember Louise Novros
Councilmember Jason DiPonzio
Councilmember Christopher Werner

Daniel Aman, Town Clerk
Kenneth Gordon, Attorney for the Town
Mark Henderson, Chief of Police
Tim Keef, Commissioner of Public Works
Suzanne Zaso, Director of Finance

MEETING CALLED TO ORDER AT 7:00PM:

PRESENTATIONS/RECOGNITIONS:

- National Law Enforcement Week May 15th – 21, 2016 Proclamation
- Introduction of Brighton Police Officer John E. Starr
- Brighton Police Department Awards Presentation
 - ❖ Excellent Police Service - Officer Ryan Lehigh
 - ❖ Citizen Awards
 - Ms. Katelyn Anthony
 - Mr. John Kurtz
 - Mr. Raymond Ruhlmann
 - Ms. Irene Sanchez
 - Mr. Julio Jirell Montilla-Sanchez

OPEN FORUM:

Rob Galbraith – 320 Allens Creek Rd

APPROVAL OF AGENDA:

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel to approve the agenda

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

April 27, 2016 Town Board Meeting

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to approve and file the aforementioned minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:

MATTER RE:

Proposed Local Law regarding parking restrictions along Glen Road (see Resolution #1 and letter dated May 24, 2016 from Glen Road resident Robert A. Murphy)

(Complete transcript under separate cover)

Public Hearing Closed.

No Action taken

MATTER RE: Proposed formation of Whitney Lane Refuse District (see Resolution #2).

(Complete transcript under separate cover)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Proposed formation of Susquehanna Road and Northumberland Road Drainage District (see Resolution #3).

(Complete transcript under separate cover)

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM: Jamie L. Slocum, Clerk of the Monroe County Legislature dated May 12, 2016 copy of the Monroe County 2017-2022 Capital Improvement Program (Note: Full report can be viewed in Town Clerk’s office).

FROM: Monroe County Dept. of Planning & Development to Supervisor: Copy of 2016 Community Development Action Plan and Community Development summary (full reports available in Town Clerk’s office).

FROM: Jean Carroll, President & CEO YWCA dated May 9, 2016 to Supervisor thanking him for participating in Sixth Annual Stand Against Racism panel event held April 29, 2016.

Motion by Councilmember Jason DiPonzio seconded by Councilmember Louise Novros to receive and file the aforementioned communications

COMMITTEE REPORTS:

Community Services Committee - Met on 5/18/16; Next meeting 6/15/16 at 9:30 at Brookside School.

Finance and Administrative Services – Met on 5/18/16; next meeting 6/1/16 at 8:30 AM in the Stage Conference Room at Town Hall.

Public Safety Services – Has not met since the last Town Board meeting; next meeting 6/14/16 at 8:00 AM in the Downstairs Meeting Room at Town Hall.

Public Works Services – Has not met since the last Town Board meeting; next meeting 6/7/16 at 9:00 AM in the Downstairs Meeting Room at Town Hall.

OLD BUSINESS:

NEW BUSINESS:

MATTER RE: Reading and approval of claims

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Reappointment of particular people to the Conservation Board effective July 1, 2016 through June 30, 2018 (*see Resolution #4*).

Motion by Councilmember James Vogel seconded by Councilmember Christopher Werner that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Update of local highway inventory data to include portion of Kendrick Road located between East River Road and the bridge over the Erie Canal as town owned property (*see Resolution #5 and letter dated May 2, 2016 from Timothy Keef, P.E. Commissioner of Public Works*).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to accept donation from Mr. William Price of a metal commercial trash receptacle estimated in value to be approximately \$1200.00 (*see Resolution #6 and letter dated May 16, 2016 from Timothy Keef, P.E. Commissioner of Public Works*).

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize budget transfer totaling \$3,985 to support additional hours needed for code compliance building permit reviews to be performed by town staff (*see Resolution #7 and letter dated May 16, 2016 from Ramsey A. Boehner, Town Planner*).

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 7 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute modified grant agreement, awarded through the Cleaner, Greener Communities Program with the NY State Energy Research and Development Authority, to extend project period date and amend milestone payment schedule (*see Resolution #8 and letter dated May 16, 2016 from Ramsey A. Boehner, Town Planner*).

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Receive and file letter from Stantec Consulting Services, Michael Flanigan dated May 24, 2016 regarding proposed Whole Foods Plaza project, and

- Determine whether revised Draft Environment Impact Statement (DEIS) and supplemental pages are adequate for public review and comments in terms of scope and content, *and if so*;
- Set June 22, 2016 as Public Hearing date on the DEIS and the incentive zoning, *and*;
- Authorize Ramsey A. Boehner, Environmental Review Liaison Officer to publish and distribute notice of same as required by SEQRA regulations, indicating that any written comments will be received through July 11, 2016

(see Resolution #9 and letter dated May 24, 2016 from Ramsey Boehner, Town Planner)

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set June 22, 2016 as public hearing date to consider adoption of E-Cigarette and Vapor Sales Temporary Moratorium Local Law *(see Resolution #10)*.

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 10 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTERS OF THE ATTORNEY TO THE TOWN:

MATTERS OF THE TOWN CLERK:

MATTERS OF THE BOARD:

MOTION TO GO INTO EXECUTIVE SESSION:

ADJOURNED AT 9:39 PM:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to adjourn at 9:39 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Daniel Aman, 131 Elmore Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceeding of the Town of Brighton, County of Monroe, State of New York meeting held on the 25th day of May 2016 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

WHEREAS, the Town Board duly scheduled a Public Hearing to be held on the 27th day of April 2016 at 7:00 p.m., and continued on May 11th and May 25, 2016 at 7:00 p.m. to consider the adoption of a proposed Local Law to be known as "Parking Restrictions for Glen Road Local Law" to modify the existing parking and parking restrictions currently in place on Glen Road by amending Town Code Sections 185-46 and 185-49, all as set forth in detail in the proposed Local Law; and

WHEREAS, such public hearing was duly called and held on April 27, 2016 at 7:00 pm and continued on May 11th and May 25, 2016 at 7:00 p.m. and all persons having an interest in the matter having had an opportunity to be heard;

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

BE IT RESOLVED, that all written comments provided to the Town at the Public Hearing held beginning on April 27, 2016 regarding the proposed Local Law be received and filed; and

LOCAL LAW OF 2016

PARKING RESTRICTIONS FOR GLEN ROAD LOCAL LAW

Section 1. Title

This Local Law shall be known as the Parking Restrictions for Glen Road Local Law of the Town of Brighton.

Section 2. Purpose and Intent

It is the purpose and intent of this Local Law to modify the existing parking and parking restrictions currently in place along Glen Road to promote vehicle and pedestrian safety.

Section 3. Amendments to the Town Code

- A. Section 185-46 and Section 185-49 are hereby amended to delete the existing parking restrictions on Glen Road.
- B. Section 185-46 is hereby amended to add the following parking restrictions on Glen Road:

NAME OF STREET	SIDE	LOCATION
Glen Road	West	From the intersection of the east/west split of Glen Road, 160 feet generally west.
Glen Road	East	From the intersection of the east/west split of Glen Road, 150 feet generally west.
Glen Road	West	From the end of the dedicated roadway near the entrance to Corbett's Glen Park, 300 feet generally south.
Glen Road	East	From the end of the dedicated roadway, near the entrance to Corbett's Glen Park, 250 feet generally south.

Section 4. Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2016.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

WHEREAS, a Map, Plan and Report regarding the formation of the Whitney Lane Refuse District was filed in the Town Clerk's office on April 5, 2016 and a petition requesting the formation of said District was signed by residents representing in excess of one half of the assessed value of all residential taxable parcels in the proposed District, all pursuant to the provisions of Article 12 of the New York State Town Law; and

WHEREAS, the proposed District will provide a mechanism to pay for refuse services and garbage pickup for the homes on Whitney Lane and to have each home pay an equal share of the cost of said services. Said proposed District is to include all eight properties on Whitney Lane. No improvements are to be made by the proposed District; and

WHEREAS, correspondence from Junior Engineer Chad Roscoe regarding formation of the proposed District and correspondence from the Town Assessor dated April 6, 2016 and the above referenced petition were received and filed on April 27, 2016; and

WHEREAS, the Town Board held a public hearing to consider the formation of said proposed District on May 25, 2016 at 7:00 p.m. at Brighton Town Hall, 2300 Elmwood Avenue, in the Town of Brighton, County of Monroe and State of New York and all persons who have an interest in said proposed District formation having had an opportunity to be heard; now, it is hereby

RESOLVED, that the Town Board makes the following findings:

1. The petition was signed and acknowledged as required by law;
2. All of the property and property owners within the proposed district are benefited thereby;
3. All of the property and the property owners benefited are included within the limits of the proposed district; and
4. It is in the public interest to form the proposed district; and it is further hereby

RESOLVED, that the Town Board hereby approves the establishment of the above referenced district and authorizes the Town Supervisor and the Town Clerk to execute and verify an application to be submitted within ten days to the New York State Department of Audit and Control for permission to create the above referenced district pursuant to New York State Town Law Section 194(3) (a).

Dated: May 25, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

WHEREAS, a Map, Plan and Report regarding the formation of the Susquehanna Road & Northumberland Road Drainage District was filed in the Town Clerk's office on April 8, 2016 and a petition requesting the formation of said District was signed by residents representing in excess of one half of the assessed value of all residential taxable parcels in the proposed District, all pursuant to the provisions of Article 12 of the New York State Town Law; and

WHEREAS, the proposed District will provide a mechanism to fund proposed drainage improvements the cost of which will be distributed among the parcels that benefit from the proposed improvements. Said proposed District is to include six properties on Susquehanna Road and six properties on Northumberland Road. The proposed improvements include the installation of approximately 430 feet of twelve inch storm sewer and six storm inlets which will all connect to an existing storm sewer on Brooklawn Drive. It is estimated that the total cost of the construction for this project will not exceed \$23,000.00 which cost is to be bonded for a twenty year term at an estimated interest rate of 4.25% which would result in an approximate annual cost per single family home in the proposed District of \$160.00 the computation of which is set forth in detail in the Map, Plan and Report on file with the Town Clerk; and

WHEREAS, correspondence dated April 20, 2016 from Junior Engineer Chad Roscoe regarding formation of the proposed District and the above referenced petition was received and filed on April 27, 2016; and

WHEREAS, the Town Board held a public hearing to consider the formation of said proposed District on May 25, 2016 at 7:00 p.m. at Brighton Town Hall, 2300 Elmwood Avenue, in the Town of Brighton, County of Monroe and State of New York and all persons who have an interest in said proposed District formation having had an opportunity to be heard; now, it is hereby

RESOLVED, that the Town Board makes the following findings:

1. The petition was signed and acknowledged as required by law;
2. All of the property and property owners within the proposed district are benefited thereby;
3. All of the property and the property owners benefited are included within the limits of the proposed district; and
4. It is in the public interest to form the proposed district; and it is further hereby

RESOLVED, that the Town Board hereby approves the establishment of the above referenced district and authorizes the Town Supervisor and the Town Clerk to execute and verify an application to be submitted within ten days to the New York State Department of Audit and Control for permission to create the above referenced district pursuant to New York State Town Law Section 194(3)(a).

Dated: May 25, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

May 25, 2016

THAT THE CLAIMS 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.

A - GENERAL	\$	<u>271,581.75</u>
D - HIGHWAY		<u>78,324.81</u>
H - CAPITAL		<u>246,953.06</u>
L - LIBRARY		<u>56,016.57</u>
SF - FIRE DIST		<u>204,161.97</u>
SS - SEWER DIST		<u>42,220.71</u>
TA - AGENCY TRUST		<u>38,999.20</u>
TE - EXPENDABLE TRUST		<u>1,965.00</u>
	TOTAL \$	<u>940,223.07</u>

UPON ROLL CALL

MOTION CARRIED _____

APPROVED BY:

SUPERVISOR

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

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.

DATE

TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor
JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO
Councilpersons

RESOLVED, that the Town Board hereby reappoints Erinn Ryen of 87 Edgemoor Road, and David C. Ryder of 48 Eastland Avenue, Rochester, NY 14618 to the Conservation Board effective July 1, 2016 through June 30, 2018.

Dated: May 25, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated May 12, 2016 from Commissioner of Public Works Timothy E. Keef, P.E. and correspondence dated May 9, 2016 from New York State Department of Transportation Regional Planning and Program Manager James Willer regarding a request that the Town update its Local Highway Inventory data and accept and confirm ownership of that portion of Kendrick Road from its intersection with East River Road to the bridge over the Erie Canal, be received and filed; and it is further hereby

RESOLVED, that the Town Board hereby consents to an update its Local Highway Inventory data and accepts and confirms ownership of that portion of Kendrick Road from its intersection with East River Road to the bridge over the Erie Canal.

Dated: May 25, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2016.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated May 16, 2016 from Commissioner of Public Works Timothy E. Keef, P.E. regarding a request to authorize the acceptance of a donation of a heavy duty commercial trash receptacle by William Price, be received and filed; and it is further hereby

RESOLVED, that the Town Board hereby gratefully accepts the donation of a heavy duty commercial trash receptacle from William Price.

Dated: May 25, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2016.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

JAMES R. VOGEL

LOUISE NOVROS

CHRISTOPHER K. WERNER

JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated May 16, 2016 from Town Planner Ramsey A. Boehner regarding a request to authorize the transfer of \$3,985.00 in Department funds as outlined in said letter to support additional hours needed for code compliance building permit reviews, be received and filed; and it is further hereby

RESOLVED, that the Town Board hereby authorizes the transfer of \$3,985.00 in Department funds as outlined in the above referenced letter to support additional hours needed for code compliance building permit reviews.

Dated: May 25, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO
Councilpersons

RESOLVED, that correspondence dated May 16, 2016 from Town Planner Ramsey A. Boehner and correspondence dated March 30, 2016 from NYSERDA Director of Contract Management Cheryl M. Glanton regarding a request to authorize the modification of the grant agreement between the Town and NYSERDA for the Comprehensive Plan Update, be received and filed; and it is further hereby

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a modification of the grant agreement between the Town and NYSERDA for the Comprehensive Plan Update, which extends the completion date for the project and modifies the payment schedule, as outlined in the above referenced correspondence.

Dated: May 25, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2016.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

WHEREAS, the Daniele Family of Companies (the "Project Sponsor") has submitted to the Town a proposal for Incentive Zoning to establish and develop the project known as Whole Foods Plaza on Monroe Avenue in the Town of Brighton, and

WHEREAS, the Town has previously received and filed said Incentive Zoning Application pursuant to Chapter 209 of the Town Code and has referred the matter to the Planning Board for its review and comment, and

WHEREAS, the Town Board pursuant to the New York State Environmental Quality Review Act has previously determined that the proposed project has the potential to have a significant impact on the environment and has directed the Project Sponsor to prepare a Draft Environmental Impact Statement ("DEIS") in accordance with the Final Scope for said statement which Scope was adopted by the Town on September 24, 2015, and

WHEREAS, the Project Sponsor submitted to the Town a DEIS in response to the Town's request for the same and the Town received and filed said DEIS at its January 27, 2016 Town Board meeting, and

WHEREAS, the Town Board has made the timely determination that such DEIS was not complete and adequate for public review at its February 24, 2016 Town Board meeting, and

WHEREAS, the Project Sponsor submitted a revised DEIS which document was received and filed at the Town Board's April 27, 2016 meeting and the Project Sponsor further supplemented the DEIS by a supplement to the DEIS

that was received and filed by the Town Board at its May 11, 2016 Town Board Meeting, now it is hereby

RESOLVED, that correspondence dated May 24, 2016, concerning the proposed Whole Foods Plaza project from Michael J. Flanigan, Associate, Environmental Services, Stantec Consulting Services, together with correspondence dated May 24, 2016 from Ramsey Boehner, Town Planner, both concerning the SEQRA review of the proposed Whole Foods Plaza project, be received and filed; and be it further

RESOLVED, that the revised DEIS including all supplements submitted by the Project Sponsor is accepted as complete and adequate for public review and comment with regards to the proposed project; and it is further hereby

RESOLVED, that a public hearing pursuant to SEQR on the environmental impacts of the proposed project shall be held at the Brighton Town Hall 2300 Elmwood Avenue, in the Town of Brighton, County of Monroe on June 22, 2016 at 7:00 p.m. or as soon thereafter as the matter may be heard and written public comments will be accepted and received by the Town until 5:00 pm, local time, July 18, 2016, and be it further

RESOLVED, that a public hearing pursuant to Chapter 209 of the Town Code on the proposed incentive zoning for the proposed project shall be held simultaneously with the above public hearing at the Brighton Town Hall 2300 Elmwood Avenue, in the Town of Brighton, County of Monroe on June 22, 2016 at 7:00 p.m. or as soon thereafter as the matter may be heard, and be it further

RESOLVED, that the Town Clerk shall publish and post such notice of the above referenced public hearings as is required by law.

Dated: May 25, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 25th day of May, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that proposed Local Law # ___ of 2016 known as the E-Cigarette and Vapor Sales Moratorium Local Law be received and filed; and it is further hereby

RESOLVED, that a public hearing to consider the adoption of said Local Law be held at the Brighton Town Hall 2300 Elmwood Avenue, in the Town of Brighton, County of Monroe on June 22, 2016 at 7:00 p.m. or as soon thereafter as the matter may be heard, and be it further

RESOLVED, that the Town Clerk shall publish and post such notice of the above referenced public hearing as is required by law.

Dated: May 25, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____

LOCAL LAW # ____ OF 2016

E-CIGARETTE AND VAPOR SALES MORATORIUM LOCAL LAW

Section 1. Title

This Local Law shall be known as the E-Cigarette and Vapor Sales Moratorium Local Law of the Town of Brighton.

Section 2. Purpose and Intent

The purpose of this local law is to promote and protect the public health, safety and welfare of the Town of Brighton by enacting a local law which establishes a moratorium on certain uses in the Town of Brighton. Pursuant to Town Code and without the adoption of this moratorium, these uses may have been included or construed to be permitted uses.

The Town Board has requested the moratorium be enacted so that it might have sufficient opportunity to evaluate the permitted uses in the Town and to determine whether the permitted uses should be statutorily amended, altered, modified, expanded or repealed. This moratorium will provide an opportunity for the Town Board to evaluate the changes needed without the possibility of new businesses opening that might conflict with the legislation being developed. The Town Board has determined a moratorium be established prohibiting certain permitted uses. In establishing this moratorium the Town Board has also considered:

The protection of community health particularly for children.

The need for conserving the value of buildings and land and the need to encourage the most appropriate use of land.

The need to attract retail business of such a character as to encourage, foster and promote the revitalization of commercial districts.

New regulations issued by the Food and Drug Administration related to

the use and sale of e-cigarettes and similar products and accessories.

Section 3. Moratorium

During the term of the moratorium adopted pursuant to this Local Law and any amendment or extension thereof, no building permit, certificate of compliance, or certificate of occupancy shall be issued within the Town of Brighton, pursuant to Chapter 225, Article I of the Town Code, no conditional use permit, pursuant to Chapter 217, Article II of the Town Code, no zoning variance shall be issued pursuant to Section 219-2, of the Town Code, no temporary and revocable permit shall be issued pursuant to Section 219-4 of the Town Code, and no person shall commence construction or renovation of or for any building or property whose business operation includes, whether as its primary use or as an ancillary use, the smoking of or selling of electronic cigarettes or any vapors, liquids or other substances that are smoked through the use of an electronic cigarette or used in connection with the smoking of electronic cigarettes, including but not limited to establishments known variously as vape stores, vape bars or vape lounges; or includes, whether as its primary use or as an ancillary use, the smoking of tobacco or other substances through one or more hookah pipes (also commonly referred to as a hookah, waterpipe, shisha or narghile) or the sale of any such hookah pipes, including but not limited to establishments known variously as hookah bars, hookah lounges or hookah cafes.

Section 4. Supersession of Provisions of State Law

This Local Law supersedes the provisions of Section 267, 267-a and 267-b of the Town Law relating to the issuance of zoning variances, Article 18 of the Executive Law, directing the formulation of a Uniform Fire Prevention and Building Code (Uniform Code), and the provisions of the Uniform Code, as they may relate to the issuance of building permits, certificates of compliance and/or certificates of occupancy.

Section 5. Term of Moratorium

This Local Law and the Moratorium established hereunder shall expire six months from their effective date, unless sooner extended by action of the Brighton Town Board.

Section 6. Hardship

- (a) The Town Board shall have the power to grant exceptions to the Moratorium created under this Local Law.
- (b) Waivers may be granted by the Town Board upon a showing by the applicant that the Moratorium has caused the applicant unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Town Board that it has suffered specific hardship due to the application of the Moratorium, including specifically that:
 - (i) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible or, in the case of a property owned by an entity certified under Section 501(c) (3) of the Internal Revenue Code, whether the Moratorium would unreasonably interfere with the applicant's charitable purpose;
 - (ii) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 - (iii) The alleged hardship has not been created by the applicant.
- (c) No such waiver shall be granted by the Town Board without first holding a public hearing, notice of which hearing, including the substance of the application for waiver under this Local Law, shall be given by publication in the official newspaper of the Town and posting upon the Town Clerk's bulletin board, and by mailing to the owners of all properties within 1000 feet of the property in question, in each case, at least ten (10) days prior to such hearing.

Section 7 Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Section 8. Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provision been excluded.