

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
July 27, 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:**

Children of the American Revolution -Greece CSD (David Richardson, Principal Greece Athena HS)

Biography Presentations of 7 American Revolution Patriots buried in Brighton Cemetery

- *Private Joseph Bloss – Researcher Bridget Lasky*
- *Private Ezra Blossom – Researcher Leah Lasky*
- *Private Nathaniel Cummings – Researcher Maddie Kinsella*
- *Soldier Henry Donnelly – Researcher Kayla Richardson*
- *Soldier John Morse – Researcher Kate Garritano*
- *Soldier Job Northrup – Researcher Kelly Kinsella*
- *Private Israel Peck – Researcher Leah Richardson*

OPEN FORUM:

David Snyderman – 72 Roby Dr
Ben Werzinger – 104 Shoreham Dr

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:

June 22, 2016 Town Board Meeting

June 29, 2016 Special Town Board Meeting (Claim Approvals)

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to approve and file the aforementioned minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

PUBLIC HEARINGS:**MATTER RE:**

- Draft Environmental Impact Statement Public Hearing closed July 13, 2016 written comments for the record being accepted up to 5 p.m. August 1, 2016.

Note Communications Received From:

Monroe County Dept. of Planning & Development dated July 8, 2016, Jane Drake dated July 10, 2016, Michael Bellapianta dated July 12, 2015, Rick

DiStefano, Secretary-Town of Brighton Conservation Board dated July 13, 2016, Jack Cholette dated July 14, 2016, Monroe County Dept. of Transportation, Anthony Armignacco, Eloise Myers, Nicholas Graver and John Ruef all dated July 15, 2016 and Jeffrey & Cheri Levine dated July 17, 2016, Howard E. & Maureen M. Holcomb and Audrey Newcomb and John Shaw all dated July 18, 2016, John & Brook Durland and Michael Wentzel & Sharon Dickman dated July 19, 2016, Kim & Tom Gillett dated July 21, 2016, Nicholas M. Graver dated July 23, 2016, letter and signed petition from Marlene Christoff and letter from Dennis Peel both dated July 25, 2016

- Public Hearing for Incentive Zoning Application for the project known as Whole Foods Plaza has been held open to future date.

COMMUNICATIONS:

FROM: Police Chief Mark Henderson dated July 8th and July 20, 2016 regarding upcoming retirement of Officer Julie Knutowicz after 19 years of service and Investigator Mark Liberatore after 26 years of service with the Brighton Police Department.

FROM: Harriet Seigel to Supervisor dated July 11, 2016 regarding July 4th Celebration parking and viewing from Buckland Park.

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

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Community Services Committee - Met 7/25/16; Next meeting 8/17/16 at 9:30 AM at Brookside School.
Finance and Administrative Services – Met on 7/20/16 and 7/21/16; next meeting 8/3/16 at 8:30 AM in the Stage Conference Room at Town Hall.

Public Safety Services – Has not met since last Town Board meeting; next meeting 8/9/16 at 8:00 AM in the Downstairs Meeting Room at Town Hall.

Public Works Services – Has not met since last Town Board meeting; next meeting 8/2/16 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 Christopher Werner that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize Supervisor to execute Amendatory Agreement with the City of Rochester to support modified property easement terms and cost sharing formulation concerning the Highland Park/Canalway Trail project (*see Resolution #1 and letter dated July 26, 2016 from Michael Guyon, P.E. Town Engineer*).

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

MATTER RE: Approval to appoint a particular person as a member of the Zoning Board of Appeals effective immediately through December 31, 2020 (see *Resolution #2*).

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. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Authorize change order #2 with Espana Enterprises for work associated with the Sewer Department and the 2016 Sidewalk District Replacement Program (see *Resolution #3 and letter dated July 18, 2016 from Timothy Anderson, Deputy Highway Superintendent*).

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. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set August 24, 2016 Public Hearing for proposed Town code amendments (see *Resolution #4 and letter dated July 22, 2016 from Ramsey Boehner, Environmental Review Officer and letter dated July 20, 2016 from Ramsey Boehner, Executive Secretary, Planning Board*).

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. 5 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 AT 8:15 PM:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to go into executive session to discuss Pending Criminal Investigation and employment of a particular person.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO EXIT EXECUTIVE SESSION AT 10:15 PM:

Motion by Councilmember Jason DiPonzio seconded by Councilmember James Vogel to come out of executive session.

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

ADJOURNED AT 10:17 PM:

Motion by Councilmember James Vogel seconded by Councilmember Louise Novros to adjourn at 10:17 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 27th day of July 2016 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York.

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

July 27, 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>300,194.73</u>
D - HIGHWAY		<u>78,946.75</u>
H - CAPITAL		<u>3,204.00</u>
L - LIBRARY		<u>35,911.83</u>
SF - FIRE DIST		<u>402.78</u>
SK - SIDEWALK DIST		<u>80,770.23</u>
SS - SEWER DIST		<u>19,254.76</u>
TA - AGENCY TRUST		<u>35,993.38</u>
TE - EXPENDABLE TRUST		<u>260.11</u>
TOTAL	\$	<u>554,938.57</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 27th day of July, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated July 26, 2016 from Town Engineer Michael E. Guyon, P.E. regarding a request to authorize the Supervisor to execute an amended agreement with the City of Rochester for the Highland Crossing Trail regarding cost sharing for the project, be received and filed; and further

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to an amended agreement with the City of Rochester for the Highland Crossing Trail regarding cost sharing for the project in the form attached to the above correspondence and approved by the Attorney to the Town.

Dated: July 27, 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, in said Town of Brighton on the 27th day of July 2016

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

JAMES R. VOGEL,

LOUISE NOVROS,

JASON S. DIPONZIO

CHRISTOPHER K. WERNER

Councilpersons

RESOLVED, that Michael A. Jones, Jr. of 362 Susquehanna Road, Rochester, New York 14618, is hereby appointed as a member of the Brighton Zoning Board of Appeals, effective immediately through December 31, 2020.

Dated: July 27, 2016

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilman	Voting	_____
Louise Novros, Councilwoman	Voting	_____
Jason S. DiPonzio, Councilman	Voting	_____
Christopher K. Werner, Councilman	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 27th day of July, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated July 18, 2016 from Deputy Highway Superintendent Timothy J. Anderson regarding a request to authorize the Supervisor to execute change order #2 with Espana Enterprises for work associated with the Sewer Department and the 2016 Sidewalk District Replacement Program, be received and filed; and further

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute change order #2 with Espana Enterprises for work associated with the Sewer Department and the 2016 Sidewalk District Replacement Program.

Dated: July 27, 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 27th day of July, 2016.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

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

Councilpersons

BE IT RESOLVED, that correspondence dated July 22, 2016 from Environmental Review Liaison Officer Ramsey A. Boehner regarding Planning Board Review of proposed Town Code amendments to Chapter 36, 129, 205 and 207 together with the July 20, 2016 Planning Board Advisory Report regarding such proposed amendments and the text of the proposed Local Laws to effectuate said code amendments, be received and filed; and further

BE IT RESOLVED, that the Town Board hereby sets a public hearing on the proposed code amendments to Chapters 36, 129, 205 and 207 for August 24, 2016 at 7:00 p.m. or as soon thereafter as the matter may be heard at Brighton Town Hall, 2300 Elmwood Avenue, Town of Brighton, County of Monroe, State of New York; and further

BE IT RESOLVED, that the Town Board hereby directs the Town Clerk to post and publish such legal notice of said hearing as is required by law.

Dated: July 27, 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	_____

Town of Brighton
Interoffice Memo

To: Tim Keef
From: DPW/B&P Staff
CC:
Date: July 7, 2016
Subject: Proposed Code Amendments

The following Sections 1-10 contain:

Section 1:

A proposed amendment to Chapter 36, Amusement Devices that is intended to provide more reasonable accommodation in the Code for the installation and use of amusement devices (video games, pinball, pool tables, and similar mechanical devices) by eliminating the distance requirement from schools and religious institutions. Amusement devices will continue to be allowed only as accessory uses in the BF-1 (neighborhood commercial), BF-2 (General Commercial) and IG (Light Industrial) zoning districts and will continue to be limited to 10 in number on any premises.

Sections 2 & 3:

Proposed amendments to Chapter 129, Property Maintenance, that are intended to regulate defacing properties with graffiti.

The proposed amendment will be enforced by the existing §129-12. Notice of Violation; Hearing; Removal.

Sections 4-9:

Proposed amendments to Chapter 205, Bulk and Parking Regulations, and Chapter 207, Supplementary Regulations, that are intended to provide relief from impervious coverage percentage limits of the Comprehensive Development Regulations for pavement required or requested by the town within a town-required or requested sidewalk or trail easement.

Section 10:

A proposed amendment to Chapter 207, Supplementary Regulations that is intended to provide reasonable accommodation in the Code for the installation of residential handicap access ramps. No change is proposed to the current review of non-residential handicap access ramps.

All handicap access ramps, residential and non-residential, are currently reviewed as additions to buildings, typically requiring Architectural Review Board approval, a building permit, and often a variance due to violation of setback requirements. Staff has researched other communities regarding regulations of ramps and has found that it is not unusual for there to be exceptions to "bulk" requirements for handicap access ramps.

LOCAL LAW NO. _____

TOWN OF BRIGHTON, MONROE COUNTY, NEW YORK STATE

A Local Law to Amend Chapter 36, Amusement Devices; Chapter 129, Property Maintenance; Chapter 205, Bulk & Parking Regulations; and Chapter 207, Supplementary Regulations

Be it enacted by the Town Board of the Town of Brighton as follows:

Section 1. Section 36-4, Location of Premises Limited, of Chapter 36, Amusement Devices, which reads,

§36-4. Location of premises limited.

No amusement device shall be located in any premises which shall be within five hundred (500) feet of a building occupied as a school, church, synagogue or other place of worship. The measurements shall be taken in a straight line from the property line of such school, church, synagogue or other place of worship to the property line of the premises.

is hereby deleted and repealed from the Code of the Town of Brighton.

Sections 36-5 and 36-6 of Chapter 36 are hereby renumbered 36-4 and 36-5, respectively.

Section 2. Section 129-5, Definitions, of Chapter 129, Property Maintenance, is hereby amended to add a definition of "graffiti," to read in its entirety as follows:

§129-5. Definitions.

GRAFFITI

Other than as allowed pursuant to Article VI of Chapter 207 of the Town Code, any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by a device capable of leaving a visible mark.

Section 3. Section 129-8, General Requirements, of Chapter 129, Property Maintenance, is hereby amended to add subsection V, to read in its entirety as follows:

§129-8. General Requirements.

V. All property shall be maintained free of graffiti.

Section 4. The chart in section 205-6, Office and Transitional Districts, of Chapter 205, Bulk and Parking Regulations, is hereby amended as follows:

The entry,
Coverage, including all improvement surfaces
is hereby amended to read:
Coverage, including all impervious surfaces*

The following note is hereby added at the bottom of the chart:
*Note: Impervious surfaces located within a Town sidewalk easement or
Town trail easement shall not be included in impervious coverage
calculations.

All other entries in the chart are unchanged.

Section 5. The chart in section 205-7, Low Intensity Neighborhood and General Commercial Districts, of Chapter 205, Bulk and Parking Regulations is hereby amended as follows:

The entry,
Coverage, including all impervious surfaces
is hereby amended to read:
Coverage, including all impervious surfaces*

The following note is hereby added at the bottom of the chart:
*Note: Impervious surfaces located within a Town sidewalk easement or
Town trail easement shall not be included in impervious coverage
calculations.

All other entries in the chart are unchanged.

Section 6. The chart in section 205-8, Light Industrial and Technology and Office Park Districts, of Chapter 205, Bulk and Parking Regulations is hereby amended as follows:

The entry,
Coverage, including all impervious surfaces
is hereby amended to read:
Coverage, including all impervious surfaces**

The following note is hereby added at the bottom of the chart:
**Note: Impervious surfaces located within a Town sidewalk easement or
Town trail easement shall not be included in impervious coverage
calculations.

All other entries in the chart are unchanged.

Section 7. Subsection B(2), regarding maximum permitted impervious coverage, of Section 205-9, Institutional Planned Development District, of Chapter 205, Bulk and Parking Regulations, is hereby amended to read in its entirety as follows:

§205-9. Institutional Planned Development District.

B. Maximum permitted.

(2) Coverage, including all impervious surfaces other than impervious surfaces located within a Town sidewalk easement or Town trail easement: 65%

Section 8. Subsection B(3), regarding maximum permitted impervious coverage, of Section 205-11, Waterfront Development District, of Chapter 205, Bulk and Parking Regulations, is hereby amended to read in its entirety as follows:

§205-11. Waterfront Development District.

B. Maximum permitted.

(3) Coverage, including all impervious surfaces other than impervious surfaces located within a Town sidewalk easement or Town trail easement: 65%

Section 9. Subsection E(2), regarding maximum front yard paved area, and subsection E(3), regarding maximum rear yard paved area, of section 207-10, Exceptions to yard requirements, of Article III, All Residential Districts, of Chapter 207, Supplementary Regulations, are hereby amended to read in their entirety as follows:

Article III, All Residential Districts

§207-10. Exceptions to yard requirements.

E. Parking and paved area.

(2) Front yard paved area: Paved area, other than paved area located within a Town sidewalk easement or Town trail easement, shall not exceed 30% of the front yard area.

(3) Rear yard paved area: Paved area, other than paved area located within a Town sidewalk easement or Town trail easement, shall not exceed 35% of the rear yard area.

Section 10. Article I, All Districts, of Chapter 207, Supplementary Regulations, is hereby amended by adding a new section following section 207-6,2, to be known as section 207-6.3, to read in its entirety as follows:

§207-6.3. Residential handicap access ramps. Notwithstanding any contrary provision contained in the Town Code, the following shall apply to handicap ramps on lots occupied by residential uses only:

- A. Such temporary or permanent handicap access ramps are permitted in any yard provided that they are a minimum of ten feet from any front lot line and a minimum of five feet from any side or rear yard lot line;
- B. Such temporary or permanent handicap access ramps shall require a building permit but shall not require Architectural Review Board approval.

Section 11. 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 12. Effective Date:

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