



PUBLIC WORKS COMMITTEE

MEETING March 1, 2022

9:00A.M.

Brighton
Town Hall

AUDITORIUM ROOM

DRAFT AGENDA

MEETING CALLED TO ORDER:

APPROVE MINUTES:

PUBLIC REVIEW OPEN FORUM:

OLD BUSINESS

MATTER RE: S. Winton Road Gas Main Replacement Project Roadway Improvements

MATTER RE: Stretch Code

MATTER RE: Project Updates

- Farmers Market
- Library Roof Installation
- Elmwood Avenue Sidewalks, (S. Clinton to just east of Westerloe Ave.)
- CDBG Sidewalk Application
- French Road Bridge Design
- Tree Database
- East Avenue Sidewalk
- Climate Action Plan
- LED lighting Contra
- Building and Planning Software
- Town Hall Evaluation

NEW BUSINESS

MATTER RE: Technical Code Amendments

TREES

Address	Description	Recommendation
21 Westland, (Edgemere Side)	18" Norway Maple	Remove and Replace
31 Walden Place, (across from)	44" Silver Maple	Remove
60 Helen Road	36 "White Ash	Remove and Replace further west as recommended by the Tree Council
60 Shaftsbury	Three 18" Locust Tree	Remove and Replace

MEETING ADJOURNED:

NEXT COMMITTEE MEETING:

April 5, 2022 at 9:00 A.M



Town of
Brighton

Building and Planning

Department

Commissioner of Public Works – Michael Guyon, P.E.

Rick DiStefano
Planner

December 9, 2021

Michael Guyon, Commissioner of Public Works
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618

RE: Tree Removals

Dear Commissioner Guyon:

In response to your letter, dated November 29, 2021, and attached tree evaluation forms regarding the proposed removal of town trees located at

21 Westland Ave (Edgemere side)
31 Walden Place (across from)
60 Helen Road

18" Norway maple
44" Silver maple
36" White Ash

the Tree Council reviewed the forms and visited the sites. The Council is in agreement with the evaluations and supports the removal of the identified trees. As recommended the Council agrees that a replacement tree should be planted at 21 Westland Avenue and no replacement tree is warranted at 31 Walden Place. However, regarding 60 Helen Road, investigate planting a replacement tree further to the west (left of driveway) on the property.

Sincerely,

Rick DiStefano, Secretary
Brighton Tree Council



Town of
Brighton

Public Works Department

Mike Guyon, P.E.
Commissioner of Public Works

November 29, 2021

The Honorable Tree Council
Town of Brighton
2300 Elmwood Ave.
Rochester, New York

Re: Trees Evaluations and Recommendations

Honorable Members:

I request your review and comment regarding the proposed recommendations of the following tree(s):

Address	Description	Recommendation
21 Westland, (Edgemere Side)	18" Norway Maple	Remove and Replace
31 Walden Place, (across from)	44" Silver Maple	Remove
60 Helen Road	36 "White Ash	Remove

All of the above trees exhibit compromised health, structural deficiencies and/or safety issues as noted in the attached reports. Each location is a cause for concern of the general public which supports the recommendation to trim, remove and replant these trees as noted.

Thank you for your attention to this matter and I look forward to your review of these trees.

Respectfully,

Michael E. Guyon
Commissioner of Public Works

Attachments

Cc: Steve Zimmer
William Haefner

**TREE HAZARD EVALUATION FORM** 2nd EditionSite/Address: 21 Westland - Edgemere Side

Map/Location: _____

Owner: public private unknown other Date: 10.26.21 Inspector: Zachariah B. Potter Jr.

Date of last inspection: _____

HAZARD RATING:
$$4 + 4 + 4 = 12$$

Failure Potential + Size of part + Target Rating = Hazard Rating

 Immediate action needed Needs further inspection Dead tree**TREE CHARACTERISTICS**Tree #: _____ Species: Norway MapleDBH: 48 18 # of trunks: 1 Height: 30 Spread: 25Form: generally symmetric minor asymmetry major asymmetry stump sprout stag-headedCrown class: dominant co-dominant intermediate suppressedLive crown ratio: 0 % Age class: young semi-mature mature over-mature/senescencePruning history: crown cleaned excessively thinned topped crown raised pollarded crown reduced flush cuts cabled/braced
 none multiple pruning events Approx. dates: _____Special Value: specimen heritage/historic wildlife unusual street tree screen shade indigenous protected by gov. agency**TREE HEALTH**Foliation color: normal chlorotic necrotic Epicormics? Y N

Growth obstructions:

Foliation density: normal sparse Leaf size: normal small stakes wire/ties signs cablesAnnual shoot growth: excellent average poor Twig Dieback? Y N curb/pavement guardsWound/wood development: excellent average poor none other _____Vigor class: excellent average fair poorMajor pests/diseases: Termite - woodpecker holes**SITE CONDITIONS**Site Character: residence commercial industrial park open space natural woodland/forestLandscape type: parkway raised bed container mound lawn shrub border wind breakIrrigation: none adequate inadequate excessive trunk wettedRecent site disturbance? Y N construction soil disturbance grade change line clearing site clearing

% dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N

% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%

% dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%

Soil problems: drainage shallow compacted droughty saline alkaline acidic small volume disease center history of fail clay expansive slope _____ aspect: _____Obstructions: lights signage line-of-sight view overhead lines underground utilities traffic adjacent veg. _____Exposure to wind: single tree below canopy above canopy recently exposed windward, canopy edge area prone to windthrowPrevailing wind direction: _____ Occurrence of snow/ice storms never seldom regularly**TARGET**Use Under Tree: building parking traffic pedestrian recreation landscape hardscape small features utility linesCan target be moved? Y N Can use be restricted? Y N Occupancy: occasional use intermittent use frequent use constant use

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y N Mushroom/conk/bracket present: Y N ID: _____

Exposed roots: severe moderate low Undermined: severe moderate low

Root pruned: _____ distance from trunk Root area affected: _____ % Buttress wounded: Y N When: _____

Restricted root area: severe moderate low Potential for root failure: severe moderate low

LEAN: _____ deg. from vertical natural unnatural self-corrected Soil heaving: Y N

Decay in plane of lean: Y N Roots broken Y N Soil cracking: Y N

Compounding factors: _____ Lean severity: severe moderate low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks				
Multiple attachments			<input checked="" type="checkbox"/>	
Included bark	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Excessive end weight		<input checked="" type="checkbox"/>		
Cracks/splits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Hangers			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Girdling			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Wounds/seam	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Decay	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nesting hole/bee hive	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Deadwood/stubs			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Borer/termite stains	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cankers/galls/burls			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Previous failure		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

HAZARD RATING

Tree part most likely to fail: Trunk at base

Inspection period: _____ annual _____ biannual _____ other _____

Failure Potential + Size of Part + Target Rating = Hazard Rating

$$4 + 4 + 4 = 12$$

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);

3 - 18-30" (45-75 cm); 4 - >30" (75 cm)

Target rating: 1 - occasional use; 2 - intermittent use;

3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: remove defective part reduce end weight crown clean thin raise canopy crown reduce restructure shape

Cable/Brace: _____ Inspect further: root crown decay aerial monitor

Remove tree: Y N Replace? Y N Move target: Y N Other: _____

Effect on adjacent trees: none evaluate

Notification: owner manager governing agency Date: 10.2.21

COMMENTS

Tree is dead. Most likely to fail at base of trunk due to termite infestation.

Z.P.



21 Westland



Site/Address: Across from 31 Walden

Map/Location: _____

Owner: public private unknown other Date: 11/15/2021 Inspector: Zachariah A. Polite Jr.

Date of last inspection: _____

HAZARD RATING:
$$\frac{4}{Failure} + \frac{4}{Size} + \frac{4}{Target} = \frac{12}{Hazard Rating}$$
 Immediate action needed Needs further inspection Dead tree**TREE CHARACTERISTICS**Tree #: 115 Species: Silver MapleDBH: 43.63 # of trunks: 4 Height: 60+ Spread: 25+Form: generally symmetric minor asymmetry major asymmetry stump sprout stag-headedCrown class: dominant co-dominant intermediate suppressedLive crown ratio: 10 % Age class: young semi-mature mature over-mature/senescencePruning history: crown cleaned excessively thinned topped crown raised pollarded crown reduced flush cuts cabled/braced
 none multiple pruning events Approx. dates: _____Special Value: specimen heritage/historic wildlife unusual street tree screen shade indigenous protected by gov. agency**TREE HEALTH**Foliation color: normal chlorotic necrotic Epiphytes? Y N

Growth obstructions:

Foliation density: normal sparse Leaf size: normal small stakes wire/ties signs cablesAnnual shoot growth: excellent average poor Twig Dieback? Y N curb/pavement guardsWoundwood development: excellent average poor none other _____Vigor class: excellent average fair poorMajor pests/diseases: Animals, fungus**SITE CONDITIONS**Site Character: residence commercial industrial park open space natural woodland/forestLandscape type: parkway raised bed container mound lawn shrub border wind breakIrrigation: none adequate inadequate excessive trunk wettedRecent site disturbance? Y N construction soil disturbance grade change line clearing site clearing% driveway paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N% driveway w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%% driveway grade lowered: 0% 10-25% 25-50% 50-75% 75-100%Soil problems: drainage shallow compacted droughty saline alkaline acidic small volume disease center history of fail
 clay expansive slope _____ aspect _____Obstructions: lights signage line-of-sight view overhead lines underground utilities traffic adjacent veg. _____Exposure to wind: single tree below canopy above canopy recently exposed windward, canopy edge area prone to windthrowPrevailing wind direction: West Occurrence of snow/ice storms never seldom regularly**TARGET**Use Under Tree: building parking traffic pedestrian recreation landscape hardscape small features utility linesCan target be moved? Y N Can use be restricted? Y NOccupancy: occasional use intermittent use frequent use constant use

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y N Mushroom/conk/bracket present: Y N ID: _____

Exposed roots: severe moderate low Undermined: severe moderate low

Root pruned: _____ distance from trunk Root area affected: _____ % Buttress wounded: Y N When: _____

Restricted root area: severe moderate low Potential for root failure: severe moderate low

LEAN: _____ deg. from vertical natural unnatural self-corrected Soil heaving: Y N

Decay in plane of lean: Y N Roots broken Y N Soil cracking: Y N

Compounding factors: _____ Lean severity: severe moderate low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks		X	X	
Multiple attachments				
Included bark	X	X	X	
Excessive end weight				
Cracks/splits	X	X	X	
Hangers			X	X
Girdling	X			
Wounds/seam		X	X	X
Decay	X	X	X	X
Cavity		X	X	X
Conks/mushrooms/bracket		X	X	X
Bleeding/sap flow		X		
Loose/cracked bark	X		X	X
(Nesting hole) bee hive	X		X	
Deadwood/stubs	X	X	X	X
Borers/termites/ants	X	X	X	X
Cankers/galls/burls		X	X	
Previous failure		X	X	X

HAZARD RATING

Tree part most likely to fail: Trunks, Scaffolds, branches

Inspection period: _____ annual _____ biannual _____ other _____

Failure Potential + Size of Part + Target Rating = Hazard Rating

$$4 + 4 + 4 = 12$$

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);

3 - 18-30" (45-75 cm); 4 - >30" (75 cm)

Target rating: 1 - occasional use; 2 - intermittent use;

3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: remove defective part reduce end weight crown clean thin raise canopy crown reduce restructure shape

Cable/Brace: _____ Inspect further: root crown decay aerial monitor

Remove tree: Y N Replace? Y N Move target: Y N Other: _____

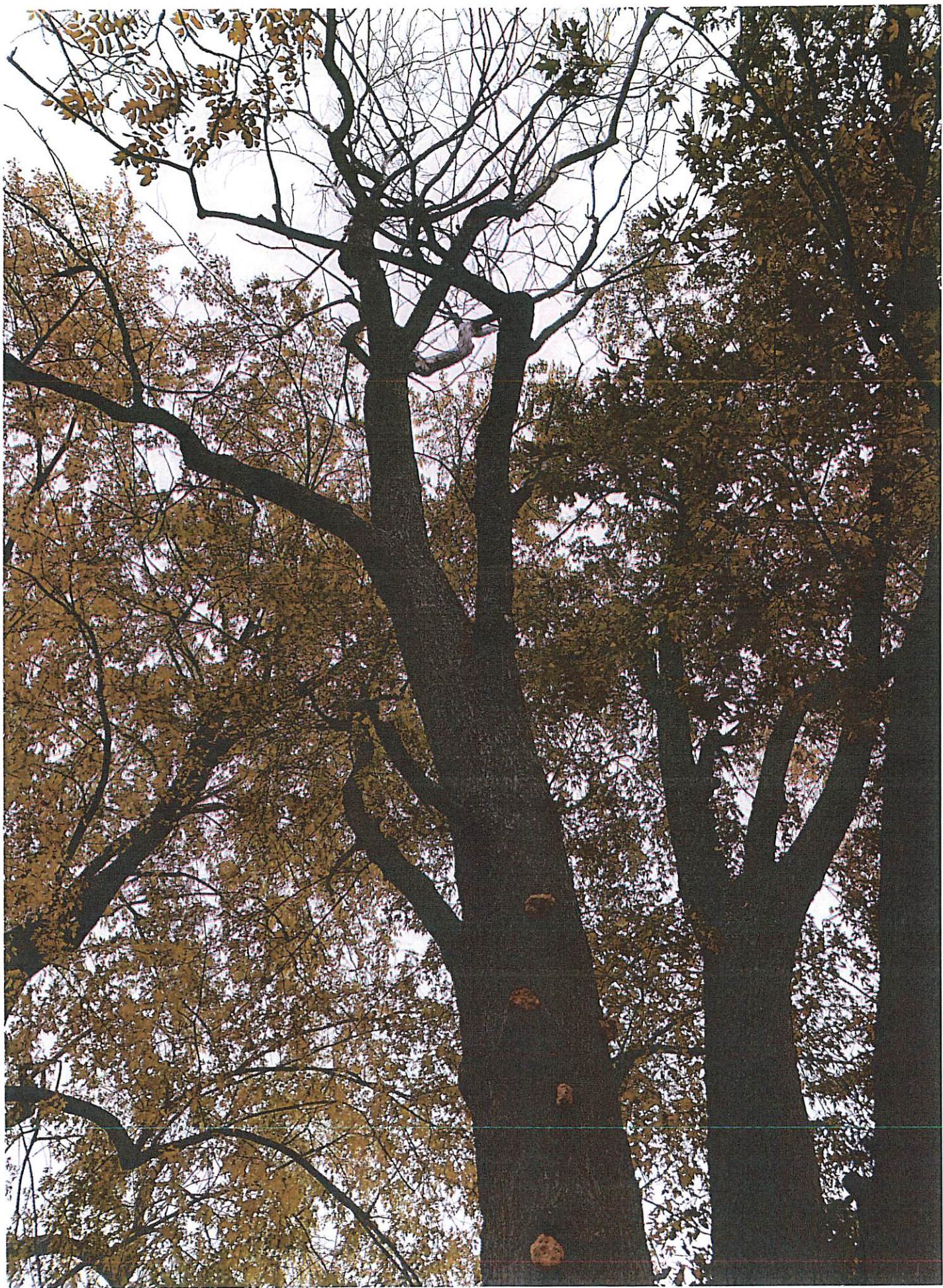
Effect on adjacent trees: none evaluate

Notification: owner manager governing agency

Date: 11/12/21

COMMENTS









A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 60 Helen

Map/Location: _____

Owner: public _____ private unknown _____ other _____

Date: 10.21.21 Inspector: Zachariah A. Bitter Jr.

Date of last inspection: _____

HAZARD RATING:

4 + 4 + 4 = 12
Failure Potential + Size of part + Target Rating = Hazard Rating

Immediate action needed

Needs further inspection

Dead tree

TREE CHARACTERISTICS

Tree #: 1 Species: Ash

DBH: 94 3/8" # of trunks: 1 Height: 50 Spread: 45

Form: generally symmetric minor asymmetry major asymmetry stump sprout stag-headed

Crown class: dominant co-dominant intermediate suppressed

Live crown ratio: 20 % Age class: young semi-mature mature over-mature/senescence

Pruning history: crown cleaned excessively thinned topped crown raised pollarded crown reduced flush cuts cabled/braced
 none multiple pruning events Approx. dates: _____

Special Value: specimen heritage/historic wildlife unusual street tree screen shade indigenous protected by gov. agency

TREE HEALTH

Foliage color: normal chlorotic necrotic Epiphytes? Y N

Foliage density: normal sparse Leaf size: normal small

Annual shoot growth: excellent average poor Twig Dieback? Y N

Wound/wood development: excellent average poor none

Vigor class: excellent average fair poor

Major pests/diseases: Ants - Termites - woodpecker holes.

SITE CONDITIONS

Site Character: residence commercial industrial park open space natural woodland/forest

Landscape type: parkway raised bed container mound lawn shrub border wind break

Irrigation: none adequate inadequate excessive trunk wetted

Recent site disturbance? Y N construction soil disturbance grade change line clearing site clearing

% dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N

% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%

% dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%

Soil problems: drainage shallow compacted droughty saline alkaline acidic small volume disease center history of fall
 clay expansive slope _____ aspect: _____

Obstructions: lights signage line-of-sight view overhead lines underground utilities traffic adjacent veg. _____

Exposure to wind: single tree below canopy above canopy recently exposed windward, canopy edge area prone to windthrow

Prevailing wind direction: _____ Occurrence of snow/ice storms never seldom regularly

TARGET

Use Under Tree: building parking traffic pedestrian recreation landscape hardscape small features utility lines

Can target be moved? Y N Can use be restricted? Y N

Occupancy: occasional use intermittent use frequent use constant use

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y N Mushroom/conk/bracket present: Y N ID: _____

Exposed roots: severe moderate low Undermined: severe moderate low

Root pruned: _____ distance from trunk Root area affected: _____ % Buttress wounded: Y N When: _____

Restricted root area: severe moderate low Potential for root failure: severe moderate low

LEAN: _____ deg. from vertical natural unnatural self-corrected Soil heaving: Y N

Decay in plane of lean: Y N Roots broken Y N Soil cracking: Y N

Compounding factors: _____ Lean severity: severe moderate low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep			X	
Codominants/forks		X	X	X
Multiple attachments	X		X	
Included bark	X		X	X
Excessive end weight				
Cracks/splits	X		X	X
Hangers				
Girdling				
W/wounds/seam	X		X	X
Decay	X		X	X
Cavity			X	X
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark	X		X	X
Nesting hole/bee hive	X		X	X
Deadwood/stubs			X	X
Borers/termites/ants		X	X	X
Cankers/galls/burls				
Previous failure			X	X

HAZARD RATING

Tree part most likely to fail: Scaffolds - trunk

Inspection period: _____ annual _____ biannual _____ other _____

Failure Potential + Size of Part + Target Rating = Hazard Rating

4 + 4 + 4 = 12

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);

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HAZARD ABATEMENT

Prune: remove defective part reduce end weight crown clean thin raise canopy crown reduce restructure shape

Cable/Brace: _____ Inspect further: root crown decay aerial monitor

Remove tree: Y N Replace? Y N Move target: Y N Other: _____

Effect on adjacent trees: none evaluate

Notification: owner manager governing agency

Date: 10-21-21

COMMENTS _____

ZD









Town of
Brighton

Public Works
Department

Mike Guyon, P.E.
Commissioner of Public
Works

January 13, 2022

The Honorable Tree Council
Town of Brighton
2300 Elmwood Ave.
Rochester, New York

Re: Trees Evaluations and Recommendations

Honorable Members:

I request your review and comment regarding the proposed recommendations of the following tree(s):

Address	Description	Recommendation
60 Shaftsbury	Three 18" Locust Tree	Remove and Replace

All of the above trees exhibit compromised health, structural deficiencies and/or safety issues as noted in the attached reports. Each location is a cause for concern of the general public which supports the recommendation to trim, remove and replant these trees as noted.

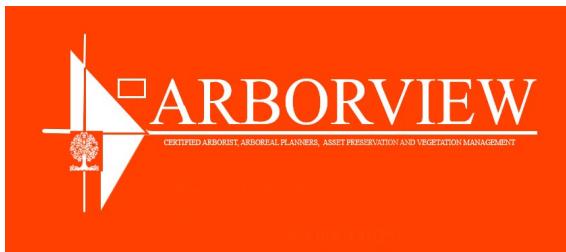
Thank you for your attention to this matter and I look forward to your review of these trees.

Respectfully,

Michael E. Guyon
Commissioner of Public Works

Attachments

Cc: Steve Zimmer
William Haefner



Tree Risk Assessment Report

Client: Department of Public Works, Town of Brighton, New York

Inspection Date: December 14, 2021 – 4:45pm

Inspector: S. MacKenzie, ISA NY-6326A

Time Frame: *Immediate Action Required*

Tree: #16 -2021

Species: Locust – Multi stem - DBH: 18" x 3 +/- (multi leader) Est. Ht. Approx. 50' +/-

Tree Location: Front /Side Yard, Corner Lot Southside of Street, Town R.O.W.

Assignment: Michael Guyon, Commissioner Public Works Town of Brighton Department. Requested evaluation and assessment on this Town tree that must be evaluated due to concerns by homeowner, and the potential of tree failure. Tri-State Clearing and Tree service had done work at the homeowner's property. He has structural concerns on this locust, he assessed and evaluated the condition of this tree. Mike Guyon requested a comparable assessment with recommendations for the following trees:

60 Shaftsbury Road, Rochester, New York 14625 – Multi Stem Locust on parkway

It is likely if this tree is removed, we can eliminate the possibility of failure, due to the load on both branches, trunk, and root system. This action will help reduce the risk of life safety and loss assets in the target zone.

The tree is between the road and sidewalk, could possibly fall towards the house, road or ornate bridge. If the likelihood of stem/ branch failure is possible, the impact upon the residence would be moderate to low. The likelihood of impact on the road and other valuable tree specimens would be high. The overall risk rating for the tree failure is high.

The question of disease and decay present in the existing conditions of this locust, results in failure, hits any targets in the fall zone, could strike a particular target and the consequence of that impact is particularly high.

Tree Risk Assessment Report Summary and Recommendations:

Tree Risk Rating: HIGH,

Mitigation Recommendations:

1. If the risk is not acceptable, remove this Locust tree and replant with another tree. The risk of failure cannot be reduced to zero unless the tree is removed and the stump ground. - **Highly Recommended**
2. If a risk is acceptable and the tree is not removed, installation of braces and cable, should be performed as a practical solution, with the risk of failure. – **Not Recommended**
3. Pruning to remove dead branches would reduce the likelihood of failure, is improbable. – **Not Recommended**
4. If risk is acceptable, Crown Reduction pruning both height and width, to reduce some of the longest limbs, this can reduce loads, and the likelihood of branch and root failure. As with cabling, reduction pruning would not alter the risk rating. - **Not Recommended**
5. If risk is acceptable, - **Risk is determined not acceptable.**

Residual Risk: None if the tree is removed; high for failure if tree is pruned; high for whole tree, even if pruning and cabling is performed.

Re-inspection Interval: Visual assessments are recommended every 6 weeks and after major storms if tree is not removed. If cables and braces are installed this tree should be inspected every 3 months.

Submitted by:



Stuart MacKenzie, ISA Certified Arborist NY-6326A
Arborview Service Group, LLC
5 Drury Lane
Rochester, New York, 14625
Ph. 585-362-1496

Tree Risk Assessment Report

Appendix:

Limitations of Tree Risk Assessments; It is important for the tree owner or manager to know and understand that all trees pose some degree of risk from failure or other conditions. The information and recommendations within this report have been derived from the level of tree risk assessment identified in this report, using the information and practices outlined in the International Society of Arboriculture's Best Management Practices for Tree Risk Assessment, as well as the information available at the time of the inspection. However, the overall risk rating, the mitigation recommendations, or any other conclusions do not preclude the possibility of failure from undetected conditions, weather events, or other acts of man or nature. Trees can unpredictably fail even if no defects or other conditions are present. It is the responsibility of the tree owner or manager to schedule repeat or advanced assessments, determine actions, and implement follow up recommendations, monitoring and/or mitigation. Arborview Service Group,LLC can make no warranty or guarantee whatsoever regarding the safety of any tree, trees, or parts of trees, regardless of the level of tree risk assessment provided, the risk rating, or the residual risk rating after mitigation. This information is solely for the use of the tree owner and manager to assist in the decision-making process regarding the management of their tree or trees. Tree risk assessments are simply tools which should be used in conjunction with the owner or tree manager's knowledge, other information and observations related to the specific tree or trees discussed, and sound decision making.

Glossary Tree risk assessment has a unique set of terms with specific meanings. Definitions of all specific terms may be found in the International Society of Arboriculture's Best Management Practice for Tree Risk Assessment. Definitions of some of these terms used in this report are as follows: The likelihood of failure may be categorized as imminent meaning that failure has started or could occur at any time; probable meaning that failure may be expected under normal weather conditions within the next 3 years; possible meaning that failure could occur, but is unlikely under normal weather conditions during that time frame; and improbable meaning that failure is not likely under normal weather conditions, and may not occur in severe weather conditions during that time frame. The likelihood of the failed tree part impacting a target may be categorized as high meaning that a failed tree or tree part will most likely impact a target; medium meaning that a failed tree or tree part may or may not impact a target with equal likelihood; low meaning that the failed tree or tree part is not likely to impact a target; and very low meaning that the chance of a failed tree or tree part impacting the target is remote.

Tree Risk Assessment Report

The Likelihood of Failure and Impact is defined by Table 1, the Likelihood Matrix:

Likelihood of Failure	Likelihood of impact			
	very low	low	medium	high
imminent	unlikely	somewhat likely	likely	highly likely
probable	unlikely	unlikely	somewhat likely	likely
possible	unlikely	unlikely	unlikely	somewhat likely
improbable	unlikely	unlikely	unlikely	unlikely

The consequences of a known target being struck may be categorized as severe meaning that impact could involve serious personal injury or death, damage to high value property, or disruption to important activities; significant meaning that the impact may involve personal injury, property damage of moderate to high value, or considerable disruption; minor meaning that impact could cause low to moderate property damage, small disruptions to traffic or a communication utility, or minor injury; and negligible meaning that impact may involve low value property damage, disruption that can be replaced or repaired, and do not involve personal injury.

Targets are people, property, or activities that could be injured, damaged, or utilities disrupted by a tree failure

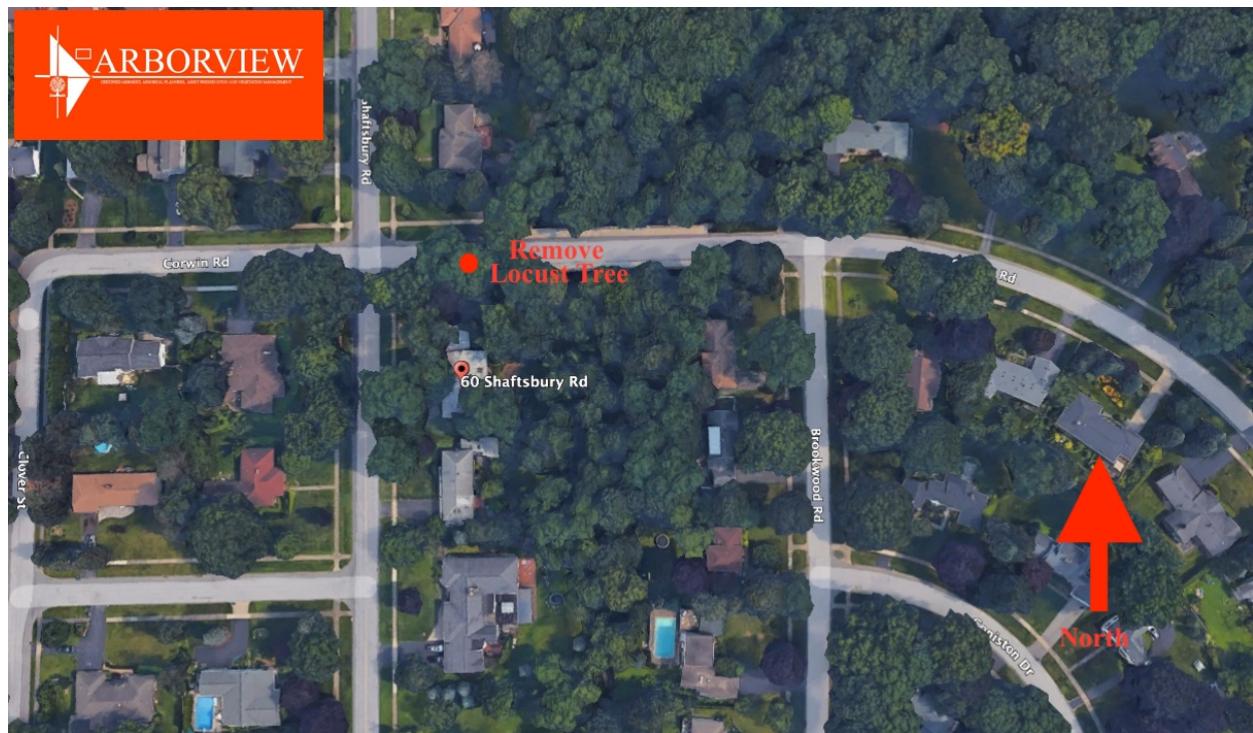
Levels of assessment

- 1) Limited visual assessments are conducted to identify obvious defects. Conks and decay are present in mid to upper crown, near old pruning cuts. Healing and response growth are delayed. In the past a third trunk/stem had been removed. It was flush cut, this may have led to further infection / decay of the remaining portions of the tree.
- 2) Basic assessments are visual inspections done by walking around the tree looking at the site, buttress roots, trunk, and branches. It may include the use of simple tools to gain information about the tree or defects. Mallet Test was performed, sounding varied in different trunk areas.
- 3) Advanced assessments are performed to provide detailed information about specific tree parts, defects, targets of site conditions. Drilling to detect decay is an advanced assessment technique.

Tree Risk Ratings are terms used to communicate the level of risk rating. They are defined in Table 2, the Risk Matrix, as a combination of Likelihood and Consequences:

Likelihood of Failure & Impact	Consequences of impact			
	negligible	minor	significant	severe
highly likely	low	moderate	high	extreme
likely	low	moderate	high	high
somewhat likely	low	low	moderate	moderate
unlikely	low	low	low	low

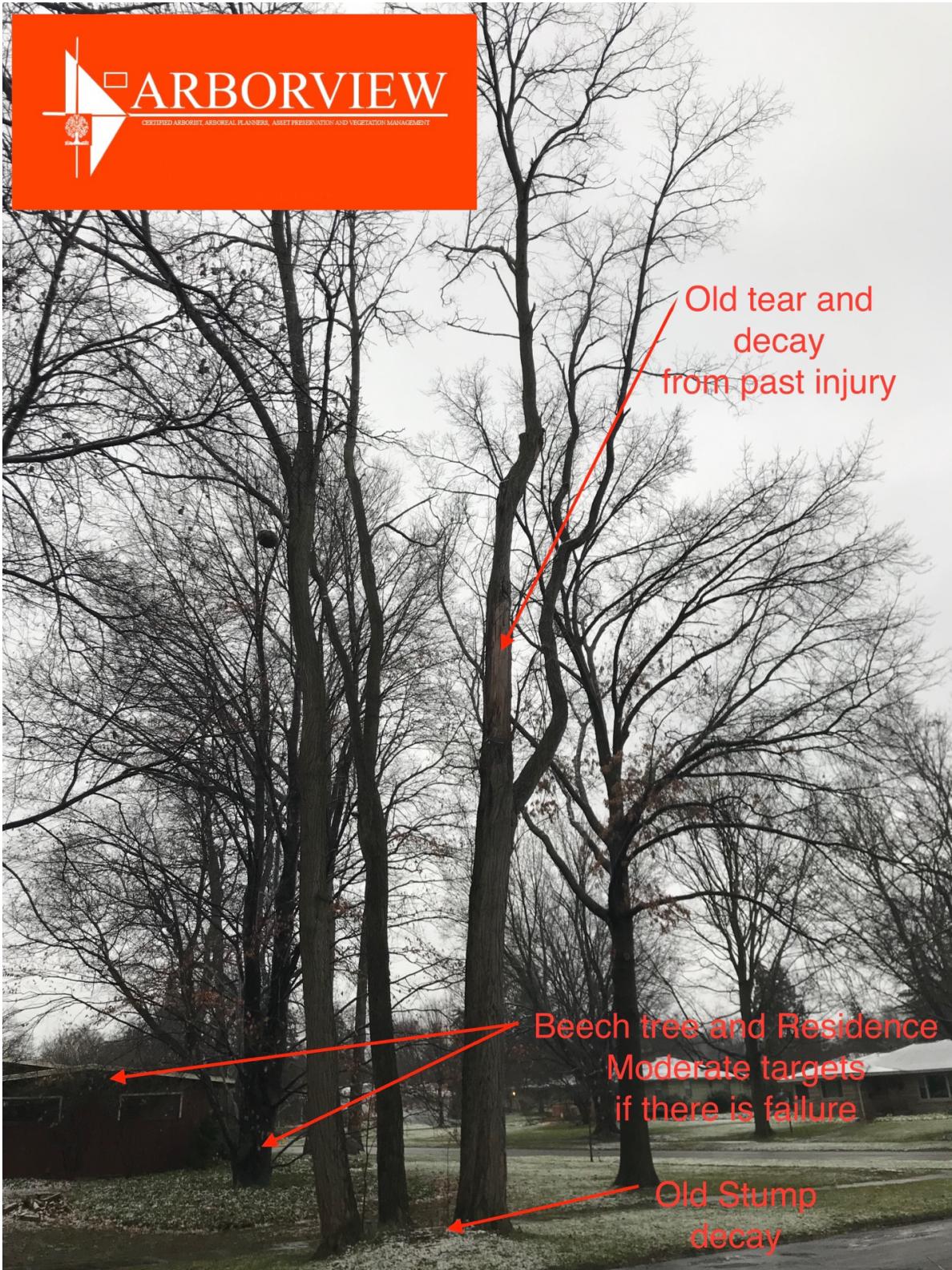
Overall tree risk rating is the highest individual risk identified for the tree. The residual risk is the level of risk the tree should pose after the recommended mitigation. Mitigation priority 1 is defined as mitigation activities that should be scheduled prior to the next growing season. Mitigation Priority 2 can be scheduled on the next routine maintenance cycle

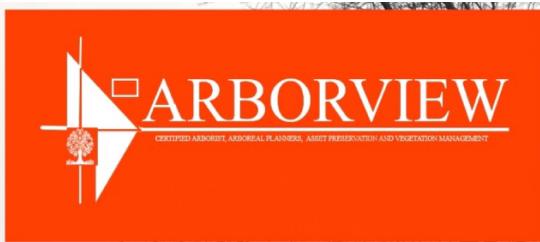


. Utilities - below grade near the tree are high impact target (Gas, water, electric)
 Residence south of the tree is a moderate impact Target. The road and bridge east of the tree are a high impact target. Sidewalk and pedestrian are low impact targets.

Past injuries, irregular growth patterns and stress cracks have led to deep trunk decay.







South side of trunk, sidewalk is a low impact target. Bridge and Roadway are high impact targets. Surrounding trees are high impact targets. Residence is moderate impact target.

Local Law #____ of 2022
“Brighton Town Code Technical Amendments of 2022” Local Law

Section 1. Title

This Local Law shall be known as the “Brighton Town Code Technical Amendments of 2022” Local Law of the Town of Brighton.

Section 2. Purpose.

It is the purpose and intent of this Local Law to amend the Town Code to clarify provisions of the Code, correct titles and other matters needing correction, modify the Code in such places as to amend the Code to be more consistent with present practices and needs of Town Government and the community and to respond to specific requests to streamline or otherwise make more efficient Town Government based on observations of staff and members of the Town’s volunteer boards.

Section 3. Amendments to the Town Code. (Deletions are crossed out, additions are bolded and underlined)

A. The following sections of Chapter 73 of the Town Code are amended as follows:

§73-5

A.

The Town Board of the Town of Brighton does hereby establish the office to be known as the "Office of the Building Inspector."

(1)

Building Inspector. The office shall be headed by the Associate Senior Planner or such other individual as shall be designated by the Commissioner of Public Works and shall employ an official or officials designated as the “Building Inspector.” The Building Inspector(s) shall be appointed by the Town Board, upon recommendation of the Commissioner of Public Works, and may be either the Commissioner of Public Works, the Associate Senior Planner or other Town employee(s), in all cases if properly certified by the State of New York, at an annual salary to be determined by said Town Board, or a properly certified official of the City of Rochester as designated by and acting pursuant to an authorized agreement by and between the City of Rochester and the Town of Brighton for plan review, building/plumbing inspections and other such additional services. The Building Inspector(s) shall report directly to the Associate-Senior Planner or such other individual as shall be designated by the Commissioner of Public Works or his or her designee.

§73-11

A.

No person, firm or corporation shall commence erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or installation therein of any building, fence, shed or structure or change in use of occupancy of any building or structure without first obtaining appropriate required permits from the Associate Senior Planner or such other individual as shall be designated by the Commissioner of Public Works or designee. No person, firm or corporation shall commence operations, or continue operations which use or handle combustible or hazardous materials without first obtaining appropriate required permits from the Fire Marshal, including but not limited to those permits described in §§ 73-21 and 73-23.

§73-12

B.

Upon the payment of the required fee, with the approval of the Associate Senior Planner or such other individual as shall be designated by the Commissioner of Public Works and upon satisfactory proof being given that the applicant is in compliance with the applicable provisions, rules and regulations of this article and of the Comprehensive Development Regulations, a permit may be issued by and bear the name and signature of the Building Inspector(s) or Fire Marshal, as may be appropriate.

§73-18

A.

No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been duly issued by the Building Inspector(s) with the approval of the Associate Senior Planner or such other individual as shall be designated by the Commissioner of Public Works.

C.

No use or occupancy of any structures shall be changed to any other different use classification or occupancy classification, whether or not construction, reconstruction, remodeling, alteration or moving is involved without the issuance of a certificate of occupancy.

§73-56

A.

Applications for demolition review shall be filed with the Building and Planning Department on forms prepared by the Town Senior Planner or such other individual as shall be designated by the Commissioner of Public Works. A fee as set by the Town Board shall be provided.

B.

Every application for demolition review shall include standard submittal requirements as prepared by the Town Senior Planner or such other individual as shall be designated by the Commissioner of Public Works. Applications must include information necessary to allow the Planning Board and/or other Town review boards to review the building replacing the demolished structure, if applicable, and may include, but are not

limited to, building facade elevations, sections, floor plans, site plans, grading plans, landscaping plans and existing and proposed first floor elevations. Any and all zoning variances required for the proposed building shall be specified. All drawings and plans shall show both existing and proposed facade elevations and clearly identify all new construction and label all materials as new or existing. Complete photos of the existing structure's exterior shall be provided. Additional information may be required by the Town Planner or Planning Board as deemed necessary to determine conformity with Town regulations and with the spirit and intent of this article. Such additional information may include, but is not limited to, demolition/development procedures proposed to ensure the protection of the public and surrounding properties.

C.

A restoration plan for the property following demolition and/or redevelopment and an estimate of the cost of restoring the site, including the costs of materials, grading, landscaping, and maintenance until the site is fully restored, shall be submitted to ensure that restoration conforms to the approved plan and that landscaping survives in a healthy condition.

D.

An independent evaluation and report by a qualified consultant specializing in historic preservation, historical resources or a similar field may be required by the Planning Board, Town Senior Planner or such other individual as shall be designated by the Commissioner of Public Works ~~Planning Board~~. This consultant will be selected by the Town and retained at the applicant's expense.

§73-57

A.

For projects requiring demolition review approval by the Planning Board pursuant to § 73-55A:

(1)

Upon receipt of a complete application for demolition review and the required review fee(s), the Town Senior Planner or such other individual as shall be designated by the Commissioner of Public Works shall submit the application to the Historic Preservation Commission, Conservation Board and, for proposed new construction, the Architectural Review Board for consideration at their next available meetings.

B. The following sections of Chapter 203 of the Town Code are amended as follows:

§203-2.1(B)

(6)

In a rear yard only, a stand-by electrical power generator, provided that the following conditions are met: the generator shall be located behind the house principal building, shall not extend past the side of the house principal building, and shall not be closer than 10 feet to any lot line; the generator shall be used only during electrical power outages and as required by the manufacturer for maintenance purposes; maintenance operation of the generator shall take place only during daylight hours; the generator shall

only operate on LP or natural gas; documentation of the noise level of the generator per manufacturer's specifications at seven meters (23 feet) from the unit shall be presented with the application for a building permit and shall not exceed 72 decibels.

203-140

F.

Notice and recording of current plan. Within seven days following the final disposition of an application for current plan approval, the ~~Town Senior~~ Planner or such other individual as shall be designated by the Commissioner of Public Works shall mail notice thereof to all parties entitled thereto. When the current plan is approved, the ~~Town Senior~~ Planner or such other individual as shall be designated by the Commissioner of Public Works shall, within 10 days of such approval, file a copy of the entire current plan in the permanent records of the Building and Planning Department and cause the current plan, or such portions thereof as are appropriate, to be recorded with the Monroe County Clerk. All fees in connection with such recording shall be paid, in advance, by the applicant.

C. Section 207-26 of the Town Code is amended to read as follows:

G.

Business identification signs proposed for businesses in multitenant plazas and multitenant buildings shall require review by the ~~Town Senior~~ Planner or such other individual as shall be designated by the Commissioner of Public Works. Such signs shall not require board review, provided that a sign plan for the plaza has been reviewed and approved by the appropriate review board(s) and filed with the Building and Planning Department. The sign shall comply with all requirements of the filed sign plan and all requirements of these regulations.

D. Section 213-10(D) of the Town Code is amended to read as follows:

(7)

Original tracing must be signed by the following agencies when their review is germane to the proposal in this order: New York State Department of Transportation, Monroe County Water Authority, Monroe County Division of Pure Waters, Monroe County Department of Transportation, Monroe County Health Department (if five lots or more), Brighton Town Clerk, Brighton Commissioner of Public Works, Brighton Planning Board or ~~Town Senior~~ Planner (or such other individual as shall be designated by the Commissioner of Public Works), Monroe County Treasurer's Office. The map must be filed within 60 days of the Town approval.

E. Section 129-8 of the Town Code is amended as follows:

M.

Each owner of any building from which garbage, rubbish, mixed refuse, ashes or other wastes are collected shall provide refuse containers sufficient in number to hold all collectible wastes which may accumulate. Containers must be flytight, rodent-tight and watertight and must be kept covered at all times. Such containers must not be kept in a front yard ~~or side yard~~.

F. Section 136-7 of the Town Code is amended as follows:

C.

The following person or persons or body shall hear appeals for denials of access to records under the Freedom of Information Law (Article 6 of the Public Officers Law):

Town **Board Supervisor** of the Town of Brighton

2300 Elmwood Avenue

Rochester, New York 14618

(716) 473-8800 (585) 784-5250

G. Section 166-2 of the Town Code is amended as follows:

The Town Superintendent of Highways shall transmit in writing to the Town Clerk, within ~~five ten~~ days after the receipt thereof, all written notices received pursuant to this article and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall keep an indexed record, in a separate book, of all written notices received by the Town Clerk of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any town highway, bridge, culvert or sidewalk, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received. cause all written notices received pursuant to this article and Subdivision 2 of § 65-a of the Town Law to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

H. Chapter 12 of the Town Code is hereby repealed and abolished.

I. Section 224-4 of the Town Code is hereby amended as follows:

No person shall carry out any exterior alteration, restoration, reconstruction or new construction of or to a landmark, nor shall any person carry out any demolition or moving of a landmark, without first obtaining a certificate of appropriateness from the Commission. The Commission may establish rules and/or policies, following a public hearing, for determining when repairs to and maintenance of landmarks will not require a certificate of appropriateness. Exterior painting of a structure shall not require a certificate of appropriateness, unless some or all of the surface to be painted is a brick,

stone, ceramic or other structure that cannot be returned to its original color and/or condition after it is painted. **The installation of a generator, air conditioning compressor or heat pump and all related components which otherwise are placed and constructed in compliance with the Town Code shall not require a certificate of appropriateness.**

J. Section 217-13 of the Town Code is hereby amended as follows:

A.

Final application. After receiving approval from the Planning Board on a preliminary site plan ~~and approval for all necessary permits and curb cuts from state and county officials~~, the applicant may prepare the final site plan and apply to the Secretary of the Planning Board, who shall refer the application, when complete in all respects, to the Planning Board for its review and approval. If more 12 months has elapsed since the time of the Planning Board's action on the preliminary site plan or if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan and an additional public hearing for further review and possible revision prior to accepting the proposed final site plan for review. **Applicant shall submit with said application proof acceptable to the Senior Planner or such other individual as shall be designated by the Commissioner of Public Works of applicant's ability to obtain necessary permits and required curb cuts from state and county officials.**

K. Section 225-23 of the Town Code is hereby amended as follows:

Any nonconforming use of buildings or open land, except those specified in § **225-15** herein, may be continued, except that the same:

A.

Shall not be enlarged, altered, extended, reconstructed or restored, except as provided in Subsection E below, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of the Comprehensive Development Regulations; nor shall any external evidence of such use be increased by any means whatsoever **without the approval of the Zoning Board of Appeals, and then only after a finding by the Zoning Board of Appeals that the proposed new alteration, extension, reconstruction, restoration or placement of the nonconforming use will be in closer compliance with the provisions of the Comprehensive Development Regulations and shall have a minimal detrimental effect upon adjoining conforming uses.**

B.

Shall not be moved to another location where such use would be nonconforming **without the approval of the Zoning Board of Appeals, and then only after a finding by the Zoning Board of Appeals that the proposed new location of the nonconforming use will be in closer compliance with the provisions of the Comprehensive Development Regulations and shall have a minimal detrimental effect upon adjoining conforming uses.**

Section 4. Effective Date

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

Section 5. 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.