

**HENRIETTA TOWN BOARD  
AGENDA  
JUNE 2, 2004**

ORDER OF BUSINESS

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Public Presentation/Agenda Items
5. Approval of Minutes of the Preceding Meeting(s) - May 19, 2004
6. Miscellaneous Communications
7. Public Hearing:
  - Proposed Establishment of Extension No. 170 (Country Hill Estates and Southern Hills Manor) to Henrietta Sewer District No. 1
8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
9. Reports of Standing Committees and Actions Thereon
10. Reports of Special Committees
11. Public Comment
12. Adjournment

RESOLUTION #12-148/2004  
Authorize Accounts Payable

RESOLUTION #12-149/2004  
Authorize Supervisor to Sign Abandonment of Easement - 27 Kerry Park

RESOLUTION #12-150/2004  
Authorize Proposed Establishment of Extension No. 170 (Country Hill Estates and Southern Hills Manor) to Henrietta Sewer District No. 1

RESOLUTION #12-151/2004  
Authorize Installation of Stop Sign by Monroe County Department of Transportation - Edmar Court at Pinnacle Road

RESOLUTION #12-152/2004  
Authorize Rezoning and Approval of Special Permit - Parcel of Land Located North of Bailey Road - I Gordon Realty Corp.

RESOLUTION #12-153/2004  
Authorize Personnel Items

PURSUANT TO CALL A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, WAS DULY HELD AT THE HENRIETTA TOWN HALL, 475 CALKINS ROAD, HENRIETTA, NEW YORK ON THE 2<sup>ND</sup> DAY OF JUNE, 2004 AT 8:00 P.M.

**MEMBERS PRESENT**

**MEMBERS ABSENT**

Supervisor James R. Breese  
Councilwoman Catherine A. McCabe  
Councilman William J. Mulligan, Jr.  
Councilman Michael B. Yudelson  
Councilwoman Janet B. Zinck  
Daniel J. Mastrella, Town Attorney  
Patricia J. Shaffer, Town Clerk

**SUPERVISOR BREESE**

Is there anyone that would like to speak on any agenda items other than the Public Hearing, which I'll call separately? Just agenda items at this time? *(Pause - no response)* If not, may I have the approval of the Minutes, please.

**COUNCILWOMAN McCABE**

Mr. Supervisor, I move we approve the Minutes of May 19, 2004.

**COUNCILMAN YUDELSON**

Second.

**SUPERVISOR BREESE**

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe voting	Aye
Councilman Mulligan voting	Aye
Councilman Yudelson voting	Aye
Councilwoman Zinck voting	Aye
Supervisor Breese voting	Aye
	Carried

**SUPERVISOR BREESE**

We do have a Public Hearing on the proposed establishment of Extension Number 170, Country Hill Estates and Southern Hills Manor, to the Henrietta Sewer District Number 1. Has this been advertised?

**PATRICIA SHAFFER, TOWN CLERK**

Yes, Sir.

**SUPERVISOR BREESE**

I'd like to ask someone from the consultant to come up here and just briefly describe what's being proposed here. Give us your name and the company you're with and a brief description of this project.

TOM FROMBERGER, MRB GROUP

Good evening. My name is Tom Fromberger. I'm with the MRB Group. I'm the Project Manager. I'm here tonight to answer any questions you have concerning Country Hill Estates and Southern Hills Manor for the proposed sewer district. As most of you are aware, the State Comptroller's Office has requested MRB to provide an updated estimate for future expenditure duration (*inaudible*) and requests for EFC funding for a low interest loan. Copies of the revised report are in the Town Clerk's Office. (*Inaudible*).

SUPERVISOR BREESE

How many units are involved?

TOM FROMBERGER, MRB GROUP

There are forty-eight (48) townhouses and sixty-two (62) apartments.

SUPERVISOR BREESE

(*Inaudible*), is that correct?

TOM FROMBERGER, MRB GROUP

They only (*inaudible*) located in the southeast part of Henrietta along Ward Hill Road and East Henrietta Road.

SUPERVISOR BREESE

And the appropriate petitions have been submitted from (*inaudible*), is that correct?

TOM FROMBERGER, MRB GROUP

Yes. I believe at the time they were submitted.

SUPERVISOR BREESE

So, they want sewers as soon as possible?

TOM FROMBERGER, MRB GROUP

They want sewers as soon as possible.

SUPERVISOR BREESE

If we approve this, how long will it take before they actually start (*inaudible*)?

TOM FROMBERGER, MRB GROUP

By the time we get the State Comptroller's approval, which will be in August, and then if (*inaudible*) is available in October (*inaudible*) construction will begin.

SUPERVISOR BREESE

They can work on those kind of projects in the winter?

TOM FROMBERGER, MRB GROUP

They can start it, at least.

SUPERVISOR BREESE

They can start it?

TOM FROMBERGER, MRB GROUP

They can begin the pump station and work their way out (*inaudible*).

COUNCILWOMAN McCABE

You mentioned that there was a petition from the residents that were there at that time. Does the State require a new petition with the signatures of those who are now living there?

TOM FROMBERGER, MRB GROUP

I'd like to direct that to the attorney.

DANIEL MASTRELLA, TOWN ATTORNEY

No. There's two (2) ways to go about this. One's Article 12, the other is Article 12-A of Town Law, and 12-A was enacted so that the cumbersome petition process isn't necessary if the Board, based on the report and plan, decides that this is necessary. It is, the Board's action would be subject to a Referendum if a Petition for Referendum were submitted after the Board's action.

SUPERVISOR BREESE

Any other questions? Is there anybody in the audience that would like to speak on this matter? (*Pause - no response*) If not, I'll close the Public Hearing. We certainly want to see this move through the system as quickly as possible. These people have waited a long time.

TOM FROMBERGER, MRB GROUP

Thank you. I agree with you.

SUPERVISOR BREESE

We'd like to see something (*inaudible*). By the way, it's great to see all these students here. It's terrific. Maybe someday one of you will run for office. I don't know if I'd recommend that, though. (*Laughter*) May I have the first Resolution, please.

RESOLUTION #12-148/2004

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

BE IT RESOLVED, that the Director of Finance be authorized to pay the following bills payable:

EXHIBIT A	Bills Payable dated 6/2/2004	\$ 159,898.01
EXHIBIT B	Manual Bills Payable	\$ 6,362.76

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe voting                      Aye

Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye
		Carried

RESOLUTION #12-149/2004

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Yudelson

WHEREAS, the property owner at 27 Kerry Park has a residential dwelling currently occupying a portion of an existing Town drainage easement recorded in Liber 6598 of Deeds, Page 85, and

WHEREAS, the release of said portion of the drainage easement is necessary for the sale of property being identified as Tax Identification No. 176.12-1-60, and

WHEREAS, the described portion of this existing drainage easement is no longer needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the Abandonment of Easement and recommended that the Town of Henrietta consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute the Abandonment of Easement which shall be filed in the Monroe County Clerk's Office.

SUPERVISOR BREESE  
Discussion? Call the roll, please.

Duly put to a vote:		
Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye
		Carried

RESOLUTION #12-150/2004

On Motion of  
Councilwoman McCabe

Seconded by  
Councilwoman Zinck

---

IN THE MATTER OF THE ESTABLISHMENT OF EXTENSION NO. 170 (COUNTRY HILL ESTATES AND SOUTHERN HILLS MANOR) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE EAST SIDE OF EAST HENRIETTA ROAD

AND SOUTH OF WARD HILL ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 170 (COUNTRY HILL ESTATES AND SOUTHERN HILLS MANOR) TO HENRIETTA SEWER DISTRICT NO. 1

WHEREAS, a map, plan and report for the establishment of an extension to Henrietta Sewer District No. 1 in the Town of Henrietta, County of Monroe, New York to be known as Extension No. 170 (Country Hill Estates and Southern Hills Manor) of said Sewer District was duly filed in the Town Clerk's Office, and

WHEREAS, pursuant to an Order, a Public Hearing was held on the proposal and the findings as specified on Exhibit "A" were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 170 to the said Sewer District as proposed in said map, plan and report be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such extension shall be designated and known as Extension No. 170 to Henrietta Sewer District No. 1 and shall be bounded and described in attachments annexed hereto.

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe voting	Aye
Councilman Mulligan voting	Aye
Councilman Yudelson voting	Aye
Councilwoman Zinck voting	Aye
Supervisor Breese voting	Aye
	Carried

RESOLUTION #12-151/2004

On Motion of  
Councilman Yudelson

Seconded by  
Councilman Mulligan

WHEREAS, New York State Vehicle and Traffic Law, Section 1660, permits the Town Board to establish traffic regulations within the Town by Resolution, and

WHEREAS, the Monroe County Director of Transportation has requested permission to install a "STOP" sign on Edmar Court at Pinnacle Road, and

WHEREAS, the Henrietta Town Board supports and encourages the installation of this traffic control device in the interest of public safety.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby authorizes the establishment of a "STOP" sign at the above named intersection.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe voting	Aye
Councilman Mulligan voting	Aye
Councilman Yudelson voting	Aye
Councilwoman Zinck voting	Aye
Supervisor Breese voting	Aye
	Carried

RESOLUTION #12-152/2004

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Yudelson

WHEREAS, the Town Board has received a request for partial rezoning from the Owner, I Gordon Realty Corp., for the rezoning of approximately twelve (12) acres from a 26.68 acre parcel of land identified as Tax Account Number 161.19-1-1.1, located north

of Bailey Road and behind properties between 3855 and 3995 West Henrietta Road, from Residential R-1-15 to Commercial B-1 along with an Application for a Special Permit, and

WHEREAS, a map of the land under consideration is on file in the Office of the Town Clerk, and

WHEREAS, consideration of this proposed Project by the Henrietta Town Board exceeds one or more thresholds for a Type I Action, as stated by Section 617.4 of the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), such an Action is a Type I Action, and

WHEREAS, an Environmental Assessment Form (EAF) has been prepared for the proposed Project, and

WHEREAS, the Henrietta Town Board declared its intent to be the Lead Agency for the environmental quality review, and

WHEREAS, the Henrietta Town Board is the sole approval board or agency affected by this action, and

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by

this rezoning and Special Use Permit Application, pursuant to Section 617.7 of SEQRA, and

WHEREAS, pursuant to an Order, a Public Hearing was held on May 5, 2004.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency status for the environmental review of described rezoning under the State Environmental Quality Review Act (SEQRA) and has determined that the proposed action therein described will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be required and therefore issues a negative declaration.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms and adopts the rezoning to Commercial B-1 and approval of Special Permit Number 04-050 for a parking lot expansion at 3817 West Henrietta Road, Rochester, New York, upon the terms and conditions set forth on the Record at the Henrietta Town Board Special Permit Hearing held on May 5, 2004, subject to the conditions set forth in Exhibit A, a letter from Passero Associates dated May 26, 2004, and further subject to the condition that the parcel not be subdivided without prior approval of the Henrietta Town Board, and also subject to any easements of record and any necessary approvals of the Henrietta Planning Board.

SUPERVISOR BREESE

Discussion?

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, I will be voting no on this issue. First of all, on the letter of May 26<sup>TH</sup> from Passero Associates, Item Number Three (3), it says, "the applicants agree to install a planted, solid screen buffer to the residential area all contained in a sixty (60) foot buffer (see attached map)," and there is no such buffer on the attached map. There is a sixty (60) foot buffer along the roadway which will prevent any entranceway from Bailey Road, but there is no sixty (60) foot buffer along, between that piece of property and the property right next to it. Secondly, if there is to be a sixty (60) foot buffer, there is an existing sanitary sewer line right in that, what would be considered the buffer zone. Number three (3), the creek does not define the piece of property that they're, the edge of the piece of property that is being considered for rezoning tonight. Actually, it's the other side of the creek, which means that it is directly next to another piece of fourteen point four (14.4) acres, which is also residential at this point in time, and I'm concerned about the use of that piece of property and whether or not the owner will come back to this Board for another rezoning to commercial for that piece of property. We haven't heard anything about that, and that is why I will be voting no tonight.

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, I will also be voting no on this tonight. Building off the concerns that Councilwoman McCabe hit on, the land that's on the other side of the creek, I share that concern. I do appreciate the change in the Application that does show the buffer along Bailey Road, because that was also a concern of mine, increased traffic on Bailey Road. However, one of my biggest concerns is, as we expand this parking lot towards a residential neighborhood, not neighbors that are on the main road, but neighbors that are in subdivisions, there will be lighting, and even though they have called it engineered security lighting, I still feel that will have an impact on that neighborhood. So, I will be voting no.

SUPERVISOR BREESE

Can I ask you a question?

COUNCILWOMAN ZINCK  
Yes.

SUPERVISOR BREESE

This property is zoned R-1-15, single-family homes. Is that the way you'd like to see that developed, as single-family homes behind all those car dealerships?

COUNCILWOMAN ZINCK

No. Personally, I'd rather not have anything developed back there.

SUPERVISOR BREESE

You'd like it to remain vacant?

COUNCILWOMAN ZINCK

Yes.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, Mr. Pirrello, I talked to Casey Jackson today about the issue of abandoned junk cars on the proposed property. To your knowledge, either by your own observation or Mr. Jackson's, have those abandoned cars been removed?

A. DAVID PIRRELLO, BUILDING AND DEVELOPMENT COORDINATOR

I believe they have.

COUNCILMAN MULLIGAN

My only comment on this one, through you, Mr. Supervisor, is that what I try to do is find a solution that would be fair to the residents, that being, prohibiting any traffic on Bailey Road with a sixty (60) foot buffer, and at the same time be fair to the developer. I don't think as far as, Mr. Gordon, you own this property, you pay a lot of taxes on it, and you can't develop it, and I think the low use of parking cars is something that is (*inaudible*) the residents. It helps the car dealerships, you know, Mr. Holtz and Mr. Dorschel, it allows them to operate their businesses and pay their property taxes, and all the sales taxes that go with the sales of the vehicles, and at the same time it protects those neighborhoods. Mrs. McCabe's concern on the west side of the creek, that application hasn't come in as of yet, and we'll have to look at that as a subject by itself.

COUNCILWOMAN McCABE

My only concern about that, Mr. Mulligan, is once you rezone that one piece that's next to it commercial, then would a, if he doesn't come in to this Board, another Board, be between a rock and a hard place if he wants to also rezone that, because one of his comments at the Public Hearing was the fact that, well, all the dealerships are now commercial property, so why not therefore rezone this commercial. Well, the same thing could be said for the next one, and the next one, and we don't have any information on what he wants to do there, and as far as development, I don't want to stop the man from developing. If he wants to come in for an apartment complex behind that, there's apartments over there now, I wouldn't have a problem with that behind this on the fourteen point four (14.4) acres, and he probably could use this other piece, too,

as the buffer zone between the commercial and the fourteen point four (14.4) acres and therefore get better use out of that piece of property than what he has now.

SUPERVISOR BREESE

Okay. Well, thank you. Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	No
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	No
Supervisor Breese	voting	Aye
		Carried

RESOLUTION #12-153/2004

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Andrew DeRoo                      Parks, Part-time/Seasonal @ \$7.75/hr., effective 5/25/2004.

Recreation                              As per the attachment.

BE IT FURTHER RESOLVED, that the following employee change be made:

Arleen DeVeto Oliver      Hansen Museum, Laborer B from \$9.91/hr. to \$10.05/hr., for a missed step increase effective 4/1/2004 (per Collective Bargaining Agreement).

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye
		Carried

SUPERVISOR BREESE

That's the end of the Regular Meeting. Before we adjourn, is there anybody out there that would like to speak on any other matters involving the Town of Henrietta?

COUNCILMAN YUDELSON

Mr. Supervisor, before we adjourn, I just wanted to comment about Sunday's fire at West Town Village, and just that I had the opportunity to be over there shortly after the fire started and for a number of hours to observe the collective efforts of the Henrietta Fire District, Henrietta Volunteer Ambulance, and the many companies that came in from surrounding towns. The School District opened Burger School as an emergency center. The American Red Cross was there. Just many agencies, groups that came together and went above and beyond. They were there until well past midnight.

SUPERVISOR BREESE

The Sheriff's Department, too, by the way.

COUNCILMAN YUDELSON

The Sheriff's Department, all the law enforcement agencies, and I just wanted to say that I appreciate everybody's efforts on behalf of those residents.

SUPERVISOR BREESE

Thank you.

COUNCILWOMAN McCABE

There were also a lot of individual residents there that not only showed up to help escort the people out of there, but to offer their homes and assistance to them.

SUPERVISOR BREESE

Thank you. Anyone else? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelton, seconded by Councilman McCabe at 8:16 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk