

**HENRIETTA TOWN BOARD
AGENDA
APRIL 20, 2005**

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) - April 6, 2005
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Rezoning of Land Located on the North Side of Jefferson Road and West of Clay Road (700, 780 & 790 Jefferson Road) from Industrial I to Commercial B-1 - Benderson Development Company, Inc.
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 #9-122/2005
Authorize Accounts Payable

RESOLUTION #9-123/2005
Authorize Rezoning of Land Located on the North Side of Jefferson Road and West of Clay Road (700, 780 & 790 Jefferson Road) from Industrial I to Commercial B-1 - Benderson Development Company, Inc.

RESOLUTION #9-124/2005
Authorize Attendance at Annual Conference - "Valuation of Upstate New York Real Estate"

RESOLUTION #9-125/2005
Authorize Supervisor to Sign Agricultural Property Lease Agreement - Willard Farms, Property on Martin Road

RESOLUTION #9-126/2005
Award Low Bid - Construction of Soccer Fields - North End of Martin Road Park

RESOLUTION #9-127/2005
Award Low Quote - Resinous Floor Installation for the Henrietta Senior Center Addition

RESOLUTION #9-128/2005

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 20TH DAY OF APRIL, 2005 AT 8:00 P.M.

MEMBERS PRESENT

Supervisor James R. Breese
Councilwoman Catherine A. McCabe
Councilman William J. Mulligan, Jr.
Councilman Michael B. Yudelson
Councilwoman Janet B. Zinck
Marc Duclos, Zoning Board/Prosecuting Attorney
Patricia J. Shaffer, Town Clerk

MEMBERS ABSENT

Daniel J. Mastrella, Town Attorney

SUPERVISOR BREESE

Before we start the regular Agenda, I= d like to call for the Resolution on Special Permit Application 2005-003 of PEMM, LLC for Lehigh Station Road. Is there someone here to move that Resolution, please?

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

The Applicant, PEMM, LLC, has applied for a Special Permit, Application No. 2005-003, to construct a √3,000 square foot convenience store on the north side of Lehigh Station Road in an Industrial Zoned District. The proposal features a convenience store with a drive-thru window, six (6) dispensing locations for gasoline, a facility to the rear for dispensing diesel fuel, and three (3) automated car wash bays, along with the related equipment, including self-serve vacuums. The operation is proposed to operate twenty-four (24) hours per day.

The Town Board held a Public Hearing on March 2, 2005, where the Applicant and members of the public were afforded the opportunity to present their case and views to the Town Board.

The proposed location for the facility is directly adjacent to the present location of the Super 8 Motel, located at 1000 Lehigh Station Road. Representatives from the Super 8 Motel appeared before the Board to voice concerns with regard to the Application. The Super 8 Motel has operated for many years at its current location. The representatives of the Super 8 Motel expressed concern with regard to the noise decibel and their ability to provide a comfortable and restful stay for its guests.

In order to receive a Special Permit, it is incumbent upon the Applicant to demonstrate to the Board that its proposal meets certain criteria set forth in the Henrietta Town Code. Based upon the testimony heard and the written submissions received, the Town Board of the Town of Henrietta finds as follows:

The Applicant has submitted to the Town Board a letter, together with a revised site plan, in

order to address the concerns presented by the representatives of the Super 8 Motel. With regard to the noise that will be produced by the proposed Project, the Applicant and the owners of the Super 8 Motel have come to an understanding that the proposed vacuum stations will be relocated to the east end of the site with respect to the motel, and the carwash overhead doors will be closed between the hours of 8:00 p.m. and 8:00 a.m. for their night-time hours of operation.

There was also previous discussion with regard to the proposed curb cut onto Lehigh Station Road for access to the proposed Project. It is proposed by the Applicant that at this time, a cross access between the proposed Project and the Super 8 Motel would be beneficial to both parties. The Applicant and the owners of the Super 8 Motel are currently negotiating the terms of the proposed access.

The Town Board feels that by addressing the concerns previously stated, the proposed Project would be in harmony with the existing development, and I therefore move to approve Application Number 2005-003.

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

Is there anybody that would like to speak on Agenda items other than the Public Hearing, which I=ll call separately? Any Agenda items that anyone wants to talk about? (*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 April 6, 2005.

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 have one (1) Public Hearing on the proposed rezoning of land on the north side of Jefferson Road. Has that been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

I=d like to ask someone from the Applicant to come up briefly and just restate what it is you=d like to see happen there.

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.

Good evening, Mr. Supervisor, members of the Board. My name is Donald Robinson, and I=m the Senior Vice President of Benderson Development Company, with offices at 100 Chestnut Street in downtown Rochester. We appear this evening asking you to rezone approximately forty-three (43) acres of property which is on Jefferson Road and commonly known as the RG&E property, along with a piece on the other side of Home Depot. It=s property which I=m sure I don=t have to tell you, it=s been recognized in your Comprehensive Plan as property that should be upgraded from its current status and would lend itself to retail development given the prevailing retail atmosphere within that entire corridor. I know it=s probably more than you need to see, but we have brought two (2) sketches, which I=d like to share with you briefly. The first one is mounted to the easel on my left, and that=s a site plan which, assuming that you act favorably on our Application, we=ll be submitting to the Planning Board tomorrow. As you can see, most of the property, we have a pretty good idea of what we want to do with it. The one exception is the northwest corner, we shouldn=t call it a corner, but the northwest area in the rear, and that is something which we will have to wait and see. It doesn=t enjoy great visibility or great access, but we think that in time an appropriate user will be found for it. The second sketch I=d like to show you is something that we=re pretty excited about, and it=s an architectural concept that we=ll be sharing with the Planning Board as well, for their comments. One of the things that our company is excited about is coming here to Henrietta and doing something with a piece of property from scratch. We=ll be removing the RG&E property and building a new. We=ve done an awful lot in the Town of Henrietta, and we=ve been relatively happy and successful with what we=ve done, but it=s always been taking what someone else did and remodeling it and re-tenanting it. For example, the Tops Plaza and also the former Raymour and Flanigan property, which was a K-Mart when we bought from the Inclema (sp) estate and even the hotel, we bought it when it was kind of run down, the Marriott Residence Inn. So, this is an opportunity for us to start with a blank slate and bring something which we hope to be, really, the nicest retail project within the Town. It will be the newest, it will be the best looking, probably the most expensive and hopefully the best

tenanted. So, we look forward to working with everybody in the Town to bring a great project here, and we hope that you=ll act favorably on our Application. I have lots of people here this evening. I don=t anticipate a lot of questions, but we=re prepared to answer any questions that you have.

SUPERVISOR BREESE

Thank you. Your company has a very good track record in Henrietta, which helps you as you come forward with a new project like this. The question I have is, you=re asking for a rezoning of the entire property that you acquired, is that correct?

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.

Yes.

SUPERVISOR BREESE

And the only thing is the back, the northwest, you=re still not sure what you=re going to do with that?

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.

Correct.

SUPERVISOR BREESE

When would you be, if this is approved, when would you be demolishing the old building?

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.

I think what we=d like to do is have our initial appearance with the Planning Board just to feel out any major concerns, and assuming that it looks like it will flow smoothly, our goal would be to begin the environmental remediation which has to take place within the property. There is asbestos in there, which has to be taken out before we can demolish it. You have to work closely with the Department of Environmental Conservation in order to get that done. Then, we=ve had meetings with Dave Pirrello and yourself, Mr. Supervisor, about how to undertake the demolition to have the least impact on the community, and our goal would be to start from the back of the building and work forward so that the facade of the building would stay there, protecting the public from the view of the demolition, until the very end, and then at the last stage, the facade would come down and people will wonder where the building went because it would all be taken down and hauled away before we took down the front of it. That would be our goal, and assuming that the Planning Board likes what they see, and we don=t anticipate any problems, we=d like to be working on that within the next sixty (60) days.

SUPERVISOR BREESE

Do you have a lot of interest in it from potential users?

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.

You know, from the tenant perspective, our goal is not to build something and then just move tenants from other properties. We have a great leasing team, and we=re talking to

some tenants that are not, some of them are not even in Rochester. There=s a couple that are in other areas of Rochester but not in Henrietta. As a matter of fact, the owners of this property when they sold it to us, some of them owned property here in Town that are retail properties, and we gave them our word that we wouldn=t immediately turn around and solicit their tenants. So, our goal is to bring in some new operations into the Town, and preliminary feedback from the national tenants we=ve talked to has been positive. There=s a big retail convention that happens next month, a national convention of retailers, and we=ll be marketing this property there.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, Don, I asked Dave Pirrello to contact you about cleaning up the property from the tough winter. There were a ton of papers out there, potholes, a lot of garbage, especially on the east side of the property, east of Home Depot, and that was done in the last day, and I appreciate that . . .

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.

Yes, we . . .

COUNCILMAN MULLIGAN

Let me complete the thought. There=s still an awful lot of waste material on the north side. If that could please be addressed at your earliest convenience.

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.

We will do that, and I appreciate your bringing it to our attention. We bought this property since the last spring, and we were, I think our maintenance group wasn=t as familiar as they could have been with the problems that are existing over there in that area. Apparently there=s some illegal dumping that happens from time to time, which we=ll have to watch as well. But, yes, Mike Walker and Dave Pirrello talked immediately after your call, and we=ve gotten a lot of things done already.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

Anybody else?

COUNCILWOMAN ZINCK

I just have one (1) question, through you, Mr. Supervisor. How many, I=m trying to tell where, are there four (4) businesses planned for that first building, or three (3)?

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.

We would anticipate either three (3) or four (4). We=re not quite that far along.

COUNCILWOMAN ZINCK

Okay.

SUPERVISOR BREESE

Is there anybody in the audience that would like to speak on this Public Hearing matter? *(Pause - no response)* If not, I=ll close the Public Hearing. We=ll probably vote on this tonight. Thank you very much, Mr. Robinson.

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.

Thank you.

SUPERVISOR BREESE

May I have the first Resolution, please.

RESOLUTION #9-122/2005

On Motion of
Councilwoman Zinck

Seconded by
Councilman McCabe

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

EXHIBIT A	Bills Payable dated 4/20/2005	\$ 224,518.25
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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 #9-123/2005

On Motion of
Supervisor Breese

Seconded by
Councilman Mulligan

WHEREAS, the Town Board has received a request for rezoning from the owner, Benderson Development Co., Inc., for the rezoning of approximately 43.21 acres of land identified as Tax Account Numbers 162.05-1-3.11 (32.46 acres), 162.05-1-3.41 (10.37 acres) and 162.05-1-3.42 (0.37 acres) located on the north side of Jefferson Road and west of Clay Road from Industrial I Zoning to Commercial B-1 Zoning, and

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

WHEREAS, after consideration by the Henrietta Town Board, the requested zoning change 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 Long Form (EAF) has been prepared and reviewed for the proposed rezoning, 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 request, pursuant to Section 617.4 of SEQRA, and

WHEREAS, pursuant to an Order, a Public Hearing was held on April 20, 2005.

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 of approximately 43.21 acres of land identified as Tax Account Numbers 162.05-1-3.11 (32.46 acres), 162.05-1-3.41 (10.37 acres) and 162.05-1-3.42 (0.37 acres) located on the north side of Jefferson Road and west of Clay Road from Industrial I Zoning to Commercial B-1 Zoning, upon the terms and conditions set forth on the Record at the Henrietta Town Board Public Hearing held on April 20, 2005, this parcel being rezoned to Commercial B-1.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN

One quick question, under discussion, for Mr. Robinson. I know you don't have a crystal ball, but if everything went well in terms of all these different approvals and, you know, hoops that you have to jump through, when would you hope to open some of the facility?

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.
I think next Spring.

COUNCILMAN MULLIGAN
Thank you.

DONALD ROBINSON, BENDERSON DEVELOPMENT COMPANY, INC.
We still hold some outside hope that it might even be for Christmas, but most likely Spring.

SUPERVISOR BREESE
Thank you, Mr. Robinson. 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 #9-124/2005

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, the Town Assessor has requested authorization to attend an annual conference and training seminar regarding the AValuation of Upstate New York Real Estate[@] given by the Appraisal Institute at the Edgewood Hotel in Alexandria Bay, New York on June 9 and June 10, 2005, and

WHEREAS, funds are available in the year 2005 Budget, and

WHEREAS, the Town Board supports and encourages additional training for all Town employees.

THEREFORE, BE IT RESOLVED, that Nathan Gabbert, Town Assessor, be hereby authorized to attend the Training Conference in Alexandria Bay at a cost not to exceed \$600.00.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Finance Department for reimbursement.

SUPERVISOR BREESE
Discussion? Call the roll, please.

RESOLUTION #9-126/2005

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #7-100/2005 authorized the advertisement for bids for the Construction of Soccer Fields on the North End of Martin Road Park, and

WHEREAS, two (2) bids were received, and the low bid, meeting specifications, was received from Ferguson Hall Company, Inc. for a total base cost of \$120,900.00.

THEREFORE, BE IT RESOLVED, that Ferguson Hall Company, Inc., 1379 Brighton-Henrietta Town Line Road, Rochester, New York 14623, be hereby awarded the base bid at a cost not to exceed \$120,900.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Ferguson Hall Company, Inc. in an amount not to exceed \$120,900.00 upon successful completion of said work and acceptance by the Director of Parks and Facilities.

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 #9-127/2005

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, the Director of Parks and Facilities solicited quotes for the installation of a quartz epoxy floor for the addition to the Senior Center located at 515 Calkins Road, and

WHEREAS, four (4) quotes were received, and the quote, meeting specifications, was received from Martens Corporation, for a cost of \$14,515.00.

THEREFORE, BE IT RESOLVED, that Martens Corporation, 325 East Main Street, Palmyra, New York 14522, be hereby awarded the quote at a cost not to exceed \$14,515.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to

pay Martens Corporation in an amount not to exceed \$14,515.00 upon successful completion of said work and acceptance by the Director of Parks and Facilities.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN
Just for the Record, through you, Mr. Supervisor, how long is the warranty on this again, Bill?

SUPERVISOR BREESE
Mr. Dykstra, you=ll have to come up here in the front.

WILLIAM DYKSTRA, DIRECTOR OF PARKS AND FACILITIES
Twenty (20) to twenty-five (25) years.

COUNCILMAN MULLIGAN
That=s a long time.

SUPERVISOR BREESE
Thank you.

WILLIAM DYKSTRA, DIRECTOR OF PARKS AND FACILITIES
Longer than I=ll be here. *(Laughter)*

COUNCILMAN MULLIGAN
Is that a promise?

WILLIAM DYKSTRA, DIRECTOR OF PARKS AND FACILITIES
I promise.

SUPERVISOR BREESE
I won=t make that promise. 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 #9-128/2005

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

Andrew T. Moriarty Recreation, Part-time/Seasonal Recreation Assistant
@ \$7.00/hr., effective 4/18/2005.

Jeremy Wowkowych Recreation, Part-time/Seasonal Recreation Assistant
@ \$8.00/hr., effective 4/18/2005.

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

John Williams Parks, Grounds Equipment Operator @ \$12.46/hr.
from Laborer B @ \$10.11/hr., effective 4/18/2005.
(reached 1,600 hours toward title per the Collective
Bargaining Agreement)

BE IT FURTHER RESOLVED, that the attached progression increases be made
(per the Collective Bargaining Agreement).

SUPERVISOR BREESE

That attachment is the from the Resolution that we had before that had to be corrected.
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 that would like
to speak on any other items involving the Town of Henrietta? Yes?

RACHEL WARREN, 59 TOMAHAWK TRAIL

For a year or so, the Town Clerk=s office e-mailed John Schmitt the Board Workshop
Agenda and the full Agenda for the Town Board meeting. These were published on the
Henrietta Neighbor=s United website so residents could access the governmental activity in
the Town, which was truly a beautiful illustration of open government and a sign of respect
for the public you represent. I am deeply saddened that this practice has been
discontinued. Thank you.

SUPERVISOR BREESE

Stop. Just a second, please. Isn't the Agenda on the Town website?

COUNCILMAN YUDELSON

Yes.

SUPERVISOR BREESE

So, what's your point?

RACHEL WARREN, 59 TOMAHAWK TRAIL

The full Agenda? The full Agenda is on the Town's website?

COUNCILMAN YUDELSON

Yes.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Okay. Thank you.

SUPERVISOR BREESE

Are you happy about that?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Thank you.

SUPERVISOR BREESE

Okay. Anybody else? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilman Mulligan at 8:26 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk