

**HENRIETTA TOWN BOARD
AGENDA
MAY 4, 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 20, 2005
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Adoption of Local Law No. 2 of 2005 - Additions/Changes to the Town Code of the Town of Henrietta, Chapter 295, Zoning, to Include Provisions for Rural Residential Districts
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 #10-129/2005
Authorize Accounts Payable

RESOLUTION #10-130/2005
Declare Item Surplus Material

RESOLUTION #10-131/2005
Award Bid - Storm Water Way Mowing

RESOLUTION #10-132/2005
Authorize Designation of Official Town Bank - Citizens Bank

RESOLUTION #10-133/2005
Call for Public Hearing to Be Held on June 1, 2005 - Proposed Zoning Change, Calkins Road

RESOLUTION #10-134/2005
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 4TH DAY OF MAY, 2005 AT 8:00 P.M.

MEMBERS PRESENT

ABSENT

MEMBERS

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 anybody that would like to speak on Agenda items, other than the Public Hearing? Just Agenda items only, 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 April 20, 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 Public Hearing on the proposed adoption of Local Law #2 of 2005. Has this been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

What I would like to do is have the Consultant who made the recommendations, Behan Associates, come up and give us a summary of the recommendations and respond to any questions that may occur. Mr. Behan, did you want to open it up?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Thank you, Supervisor. My name is John Behan. I am a Principal of Behan Planning Associates. We have a, I've put together a brief presentation to kind of summarize the Rural Residential Zoning District proposal, which is the subject of tonight's Hearing. So, I will just walk you through this. (*Power Point presentation*): The Comprehensive Plan, which was adopted by the Town, speaks to this area south of the Thruway, towards a balance of, in terms of economics and land uses, with the southern area of Town. Okay, so this really flows from the ideas and recommendations in the Comprehensive Plan. Well, we had a public meeting several months ago. It was a well attended public meeting. It had a workshop and we got around maps and discussed many ideas. Some of the ideas that came out of that workshop are being presented tonight. Some of the preferences that folks had for the development were to preserve, as much as possible, farm fields and agriculture; to continue to protect the water and natural resources; to look toward the West Henrietta Hamlet to help revitalize that Historic District; to lower the densities in the rural areas to rural residential density; and to look to put some connections to the railroad trail, some expanded links. So, one of the main outcomes of that workshop, where we had a fair amount of agreement, was the idea of creating a Rural Residential District. So, what we're coming to tonight is the creation of this District. There are actually two (2) Sub-districts, but the purpose of that is to maintain kind of a rural quality of life, to keep and encourage that open lands pattern, supporting agricultural uses and also looking to have development densities as land develops to be of a low impact type of density. The Rural Residential District, the uses that are allowed in this proposed District are the same, that are really allowed today, in this part of Town. It is those that are allowed in the R-1 District. Senior housing would be allowed by Special Permit through the Town Board, in a proposed ordinance. As far as pre-existing homes and buildings, they would continue legally under this District, as well as pre-existing lots and parcels that could be used, and folks could still use and build on those parcels, as long as they are pre-existing to this. There are two (2) Sub-districts that are created. The first, Rural Residential 1, this Sub-district is that area within the District that would have central sewer services. The lot area in that District would be two (2) acres. The width would be eighty (80) feet, with a front yard setback from the road at thirty (30) feet, or fifty (50) feet if from a highway. The side would be at least ten (10) feet on one side and twenty (20) feet on the other side. The Rural Residential 2 District is similar, but this is the area that would not have central sewer services. The lot area there would be five (5) acres; the lot width one hundred (100) feet. The front yard would be a forty (40) foot setback from the road or sixty (60) feet, if it was on a highway, and the side yard would be a minimum of ten (10) feet on one side and twenty (20) feet on the other. That would be for the principle structure. The setbacks are very similar to today. There's also, within this District, the idea of an open space incentive option. It is more

than an idea, it is also part of the Draft Ordinance. This is to encourage land conservation as land develops. It encourages creative design and also protects the rural resources, and I've got an example for you later on in the presentation. So, in terms of a pattern, this aerial photograph shows kind of a rural pattern of a kind of cluster of homes and farms and open landscape, which would be contrasted with zoning, which would have lots all over that land and fragmenting all of those resources. This is an example, and I will explain all of these numbers to you. If anyone did not get and would like to get, there are, there is a handout, which has all these things in it. Basically, before we even look at this, the idea is quite simple on this incentive. The more open space that is protected or set aside in a development, there is an incentive, an increase in allowed density. This is how that works, okay. So, just reading across the top, for zero percent (0%) open space, none set aside, the lot size is two (2) acres or eighty-seven thousand (87,000 +/-) square feet. If thirty percent (30%) of a development area was set aside for open space, the development density would be zero point six (0.6) units per acre, and that would translate into a lot area of about thirty thousand (30,000) square feet. If there were fifty percent (50%) set aside in this District, and this is where sewer is available, most likely water, the development base density would be zero point seven (0.7) units per acre, and that would allow a lot size of around twenty thousand (20,000) square feet. In the RR-2 District it is the same idea, it is very simple. With zero percent (0%) open space the lot area would be five (5) acres, or two hundred and seventeen thousand, eight hundred (217,800) square feet. With thirty percent (30%) open space the dwelling units per acre would be zero point two five (0.25), or an eighty-thousand (80,000) square foot for a lot area. If there is fifty percent (50%) open space set aside, the dwelling units per acre would be zero point three (0.3), and the lot area could go down to fifty thousand (50,000) square feet, and if there is sixty-five percent (65%) open space, the dwelling units per acre would be zero point three five (0.35) units per acre, and the lot area could go down to less than an acre, to forty (40,000) square feet. Now remember, these lots have to accommodate sewer or septic services, on site septic systems. For example, in the RR-1 or Rural Residential 1 District, if one had a hundred acre parcel there is a calculation that would be used to determine the maximum density, under this proposed zoning. The un-buildable land, in this case there's twenty (20) acres of wetland, would be subtracted out, which would leave buildable land of eighty (80) acres. With a fifty percent (50%) open space set aside, there would be fifty (50) acres protected, the allowed units would be fifty-six (56) lots. That is based on the eighty (80) buildable acres times the development density of zero point seven zero (0.70). This is a graphic example, kind of an illustration. There are two (2) drawings here, both the same property. The one on the left, you can just see by looking at that, it is like a corner property. You can see that there are hedge rows and stone walls that kind of line three fields and some existing homes, along the bottom of the screen, in the drawing to the left. There is like a stream that kind of winds through, on the right hand side of the property, and there are some woods. Now, normally, one could divide that all up into lots and the whole, the environmental resources that we're trying to conserve, and the values that we're trying to protect would be lost. The drawing on the right shows an example of how the Rural Residential District could work in practicality here and what you would have here is a number of lots along the road there and the area along those fields that we kept open, so those could be for use by the lot owners for any activity they want. Now, they

couldn't build homes there, but they could have horses, they could garden, what have you here, but the feeling along the road and that land, that working farm land would be, for the most part, kept open. The stream would be, of course, not disturbed but as a crossing there, which is necessary, and the woods would be part of the lots, but again, that is where the houses wouldn't go. So, that just shows how the concept can work. So, the value that the land has is respected. The equity the land owner has can be extracted from the property. They can sell those lots and make good the capital that exists there, but at the same time, the land is protected and not totally impacted. So, it is kind of a win-win concept. There is also some additional incentives that are built in to the Draft Ordinance, and these allow for an additional twenty-five percent (25%) increase in density. These are laid out in the law but the kinds of things that would allow this increase in density with connections, trail connections, would be granted an increase in density. Historic preservation, for example, if one were to set aside an area on a Historic Homestead and Barn and protect an area around that, and keep that agricultural pattern, would be given credit. Conservation easement to a land trust, in other words, if a land trust was given to protecting open space, that would be an incentive, as well as protection of off-site lands, if someone had a property somewhere else that was important to the community to protect, they would be given credit for that as well. So, and I've got some numbers here just to show how that would work. In the previous example, remember there was fifty-six (56) lots that would be permitted, if one were to apply for and receive these incentives, as they are prescribed, there would be a twenty-five percent (25%) density incentive or bonus of fourteen (14) lots, for a total of seventy (70) lots would be permitted. Now remember, that was about eighty (80) buildable acres, so around one (1) acre per lot density, that density, in that situation. Also, in the work that we had done and some of the meetings that we had there were other suggestions that folks had had and come up with, and part of the report that the Town Board has, that's on the Record, that includes these recommendations, and I want to repeat them here tonight so that everyone can see that they are being remembered and that there will be future activity that the Town can pursue. The first is to create an Agricultural Rural Resources and Development Action Program, and the goal of that program would be to work with folks who are interested, who have farmland, who are interested in seeing that farmland stay as farmland. To partner with them, working with Monroe County Cooperative Extension and others to help put programs into place locally to help conserve that land, help to continue to make agriculture viable, as best that can be done. The second is to prepare a Hamlet Master Plan for the West Henrietta Hamlet, to look at how to improve pedestrian safety, how to work with the land owners there to insure that that neat little area is all that it can be, as part of the Town. I think that is it in a nut shell, for my presentation. Thank you for listening. It has been a pleasure to work with the Board, Jim, and you all, and the members of the public on this Project. We look forward to your comments. This legislation is "Draft", I know, Jim, you said it is not set in stone. We want to hear what you have to say this evening. We are very appreciative of that, and thank you very much.

SUPERVISOR BREESE

Do the Board members have any questions before I open it up to the public?

COUNCILWOMAN ZINCK

I just have, through you Mr. Supervisor, the smallest acreage that we would see on any property is a half an acre, is that correct?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC
The smallest lot size, yes, that is right.

COUNCILWOMAN ZINCK
Thank you.

SUPERVISOR BREESE
Anybody else, right now? *(Pause, no response)*. Is there anybody in the audience that would like speak on this matter?

KEVIN YOST, 1474 MIDDLE ROAD
As a resident of this area, right by the Rush line, I would just like to quote Tim McGraw and say, "I like it, I love it", preserving the farmland and natural space that is out there. Further, I would like to see more of it. If you could pass me the portable microphone, please. I will go to the map now. I like this green zoning here, where this is proposed. I guess, my understanding is that this green zoning and also this blue zoning that, okay, I would like to see this blue area between Wildherd and Ward Hill, east of Pinnacle as a Rural Residential, too, as well as the area, non-industrial area along Erie Station, west of the railroad tracks, and then further down the road I would like to see this white area that is not developed and the industrialized portion of Riverwood that is not developed, that still uses farmland as Rural Residential, as well, as that is another area where farmland should be preserved. I would also like to see Behan hired to revitalize the East Hamlet as well as the West Hamlet. We are blessed with two (2) Hamlets, have been since this was the Westwoods of Pittsford, and I would like to see both revitalized as a pedestrian-friendly area with small businesses. Thank you.

SUPERVISOR BREESE
Thank you, Sir. Anybody else like to speak on this matter? Yes, Sir.

JOHN SCHMITT, 66 FAWN RIDGE ROAD
My question is, the area that is going to be preserved, fifty percent (50%) or whatever that is, who owns it, who maintains it, how is it going to be kept as an area that we can be proud of, in Henrietta, rather than just letting it get overgrown and un-maintained? Does that stay, I assume that remains property of the developer?

SUPERVISOR BREESE
Mr. Behan, why don't you respond to your recommendation on that.

JOHN SCHMITT, 66 FAWN RIDGE ROAD
Who is going to maintain the area that you are calling, you know, the fifty percent (50%) that is undeveloped?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

The land that would be set aside, the determination would ultimately be made by the, in the Town planning process, and the Town Board has the ultimate decision on the maintenance of that property, but the zoning law, the "Draft" law recommends that it be kept in private ownership. The responsibility for maintaining that land, for the most part, would be with the land owners around it. It would be part of the development. Without getting into a lot of detail, primarily we would like the lots, the open lands, should be assigned to a nearby lot. That would be part of their lot and part of their responsibility, just like it is now, if someone owns that land and is responsible for it. There may be, the next level is, there may be opportunities where a land trust could get involved, particularly where there is enough of a significant resource there, for example, a natural, an extreme corridor, a wildlife habitat, and then a group like the Genesee Land Trust would be encouraged to step in and take a conservation easement on it. There is actually an incentive for that to happen in the law, a financial incentive for the developer. Finally, there may be a few instances where the Town would take over the open space, and in particular, we would have a Town use, for example, if it had some recreational use that the public, at large, could take benefit of, then that would become Town, maybe become Town property. That would be kind of the last tier, priority of how it would go.

SUPERVISOR BREESE

Thank you.

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

You're welcome.

SUPERVISOR BREESE

Anybody else, any comment or questions about this matter? Yes, Sir.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

I have a question related to the senior housing by Special Permit. This would seem to change the use from an R-1 to an R-2, is that correct?

SUPERVISOR BREESE

Probably.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

And, does that then continue as an R-2 if the housing should be changed, in some fashion?

SUPERVISOR BREESE

I don't know yet. That is something that we would have to look at.

COUNCILWOMAN McCABE

Yes.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

And, would there be any open space required in a development that was put in an R-2 or senior housing?

SUPERVISOR BREESE

Could be, that is something else that we need to look at.

COUNCILWOMAN McCABE

Yes.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

Thank you very much.

SUPERVISOR BREESE

Thank you.

COUNCILWOMAN McCABE

Good questions.

SUPERVISOR BREESE

Anybody else like to speak on this matter? We are not going to vote tonight, so all of these comments are going to be taken into consideration.

RACHEL WARREN, 59 TOMAHAWK TRAIL

I guess I am looking for clarification. Some of these homes are going to have larger lots? And, did I hear you say that the owner would have an option, down the road, to sell portions of the land that they own for other housing to be developed on it? I thought I heard you say that.

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Just, your question, give me your question, again, so I can make sure I understand it.

RACHEL WARREN, 59 TOMAHAWK TRAIL

You showed a parcel of land, it would be easier if the picture were still up, but it was like a continuous piece of land, but it looked like it was subdivided into some lots, and I thought I heard you say that the owner would be able to sell off those lots, at a later date, if he chose to do that. Does that mean that more houses could be built in that space?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

No, they could not. That would be it.

RACHEL WARREN, 59 TOMAHAWK TRAIL

No, okay.

COUNCILMAN MULLIGAN

Is this the one you were looking at, Rachel, on the right (*referring to the Power Point*)

picture currently on the screen)?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Yes.

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Yes, right, this if you would, this owner who owns the parcel now, would be able to sell it and have these lots for sale. Once the subdivision was approved, there would be restrictions placed on these lands that are not developed, so they could never be developed. For example, the question of who would maintain it, that lot owner would maintain it, that field and they could sell it or convey it, but there would be restrictions on it, on the use of it. It couldn't be re-subdivided, and there couldn't be more houses built.

That would be a permanent restriction, enforceable by the Town.

SUPERVISOR BREESE

Do you have any other questions?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Yes, I do have another question, and that is, I really like that idea of encouraging land trusts and so on to become interested in this land. Would that take place before the development began or after the fact?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Before it was approved, before it was finally approved. The decision, the determination would be made on how the open space was managed, so that would be part and partial of the approval process. That would, so that when, if you would, when the Plats were signed by the Planning Board and restrictions, that would all be in place, however that was managed.

RACHEL WARREN, 59 TOMAHAWK TRAIL

I have a third question, and that is, is there going to be enough contiguous land that agriculture will still be viable in the southern parts of Henrietta, once this development takes place?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

The, I think, realistically, this zoning plan, if you will, is a way to manage growth, okay, and to preserve some of the farm resources. There are, but once a farm, if you would, becomes developed or part of this, the agriculture may or may not, may need to change depending on what's happening there. I would say that this is not the only solution to farmland conservation in the Town, this would be helpful, but there are other, that's why that other recommendation is made, in the plan, in terms of also addressing how to help keep agricultural land in production, as well.

RACHEL WARREN, 59 TOMAHAWK TRAIL

I would be delighted if the farmers were worked with, and that was concentrated on heavily before the development began. Thank you very much.

SUPERVISOR BREESE

Is there anybody else that would like to speak on this matter, before I adjourn the Public Hearing?

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD

We farm about five thousand (5,000) acres in five (5) towns, and when you talk about this plan, how many farmers did you address on your RR-2's, whether or not that's, it's capable of being able to work long term in an agricultural situation? So, we work in five (5) different towns, and each town is doing different things right now. How is that five (5) acre lot, and a house going to work in with the farm?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Yes, in terms of?

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD

What is it going to do to the farms, long term, the five (5) acre lot?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

The five (5) acre lot? Well, I guess...

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD

Have you talked to any farmers, as to what that would do?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Yes, we had folks who are farmers come to our meetings, and talk to us. You have a specific concern about the five (5) acre lot?

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD

What did the farmers say that would work?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Well, this is, in terms of this, we've heard, well, one of the farmers I remember speaking with ...

COUNCILMAN MULLIGAN

The simple answer is Bruce, you don't sell it.

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD

That's not, I'm saying what will work long term if you have a five (5) acre lot and you multiply five (5) acre lots and take the frontage away, and then you have back land to the farms. I mean, we farm in other towns, once you take that frontage away, five (5) acre lots, it reduces the drainage on other parcels, not necessarily that parcel, but adjacent parcels, and what happens is you lose your drainage because you can't get back in...

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Yes, right.

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD
...What does it do to the profitability of the farm?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC
I think, if you remember that picture we had showing the houses and the farmland, what this zoning, what this Rural Residential would do, it would allow one to get a lot size as low as less than an acre in this District. They could have a lot, you wouldn't have to have a five (5) acre lot, you could have a lot as far as...

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD
...Your RR-2 is five (5) acres.

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC
The lot could go as small as forty thousand (40,000) square feet, which is under an acre.

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD
How many acres are necessary in that area that you surveyed, that farmers need to farm? Is it ten (10) acres, two (2) acres, eight (8) acres?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC
Well, the farmers, you know the farmers better than I do, but the farmers that I talked to said there is not enough land, they need all the land they can get their hands on, right.

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD
Large parcels.

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC
Right, and so...

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD
And the comment not to sell it, what happens if you don't own it? What happens if you own the land next to it and then somebody else sells their side, and your drainage goes through that side? You lose your drainage, long term, you lose your farm. That's all I'm saying.

COUNCILWOMAN McCABE
Yes.

COUNCILMAN MULLIGAN
How many acres do you farm, in Henrietta?

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD
Eight Hundred (800), nine hundred (900) out of five thousand (5,000).

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Well, we'd like to, after this...

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD

My point is Lima, Liviona, they are selling five (5) acre lots, and I'm saying, our experience is that you lose your drainage.

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Yes, we understand that, and that is why we don't have a five (5) acre lot, that is really not the encouraged pattern. One, if a farm owner wants to have a five (5) acre lot they can, but we are actually encouraging more land like this to be kept in agriculture, as much as possible, then the five (5) acre lot, which they are saying is too big to mow and too small to plow.

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD

So, economically, you are saying that the five (5) acres can be broken up so that there can be smaller, so the farm can work in that area, or not?

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Yes, if someone had a hundred (100) acre parcel, they could have sixty-five percent (65%) or more in agriculture and still put the houses on forty (40) or so acres of land and not use up, instead of taking twenty (20) houses over the whole hundred (100) acres, there would be at least two-thirds of it left. I think the fact, and this is really not a part of this Hearing, but the fact that you are working eight hundred (800), nine hundred (900) acres in the Town is one of the reasons we want to, that recommendation about, talking about farmland in the Town of Henrietta, and the importance of it, is part of the thing beyond this zoning plan.

BRUCE HOWLETT, HOWLETT FARMS, 5300 EAST RIVER ROAD

We want to keep our farm working profitably so that the next generation...

JOHN BEHAN, BEHAN PLANNING ASSOCIATES, LLC

Yes, that would be wonderful. I think that all the land owners were invited to come to these meetings, in one way or another, through a public process.

SUPERVISOR BREESE

Thank you, Mr. Howlett. Anybody else like to speak on this matter, before I close the Public Hearing? *(Pause, no response)*. If not, I'll close the Public Hearing. As I said, we are not going to be voting tonight on this matter.

COUNCILMAN MULLIGAN

Mr. Supervisor, the plan is to vote in two (2) weeks?

SUPERVISOR BREESE

It is up to the Board. We really haven't come up with a time, yet. We are open to any

further suggestions that you might think of, in the next few weeks. Thank you, Mr. Behan, that was a very good presentation. You have done a fine job on this report, and it is an important decision that the Town Board has to make, which we will make soon. Okay. May I have the first Resolution, please.

RESOLUTION #10-129/2005

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 5/4/2005
\$ 253,214.34

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 #10-130/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilman Yudelson

WHEREAS, the Commissioner of Public Works has requested that the following item be declared surplus material:

<u>Inventory #</u>	<u>Description</u>
1367	1983 Hobart wire feed welder (GSG) Serial #81WS26848

THEREFORE, BE IT RESOLVED, that the item described above be declared surplus material and be sent to the Teitsworth Municipal Auction to be held on May 21,

2005.

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 #10-131/2005

On Motion of

Councilman Mulligan

Seconded by

Councilwoman McCabe

WHEREAS, Resolution #8-117/2005 authorized the advertisement for bids for the Storm Water Way Mowing, and

WHEREAS, one (1) bid was received, and the bid, meeting specifications, was received from Terry Tree Service, LLC for a total cost of \$36,660.00.

THEREFORE, BE IT RESOLVED, that Terry Tree Service, LLC, 225 Ballantyne Road, Rochester, New York 14623, be hereby awarded the bid at a cost not to exceed \$36,660.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Terry Tree Services, LLC in an amount not to exceed \$36,660.00 upon the submission of all proper documentation.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just under discussion, have the Record show that this is a two (2) year Contract, from what I understood from Mr. Dykstra, the other night. Is that your understanding, Dan?

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, it is a two (2) year Contract.

COUNCILMAN MULLIGAN

I think it says it on the attachment.

SUPERVISOR BREESE

Yes, it does. Thank you. 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 #10-132/2005

On Motion of

Councilwoman McCabe

Seconded by

Councilwoman Zinck

WHEREAS, the Town Board of the Town of Henrietta is required to designate the banks in which all Town Officers shall deposit monies coming into their hands by virtue of their office in the year 2005, and

WHEREAS, the Town of Henrietta did business at Charter One Bank, as authorized by the Town Board on January 1, 2005 through Resolution #1-24/2005, and

WHEREAS, Charter One Bank and Citizens Bank have merged under Citizens Bank.

THEREFORE, BE IT RESOLVED, that Citizens Bank be added to the list of the banks designated as official depositories of the Town of Henrietta for the year 2005, in place of Charter One Bank.

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 #10-133/2005

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town Board has received a request from Wegmans Food Markets, Inc. (Wegmans) to consider the rezoning of approximately fourteen point four (14.4 +/-) acres of a recently purchased approximately thirty (30 +/-) acre parcel of land (Tax Identification No. 176.06-1-75.111) from Residential R-1-15 to Commercial B-1, which when combined with the adjoining approximately two point nine (2.9 +/-) acre Commercial B-1 parcel (also part of the recently purchased 30 +/- acre parcel) will result in an approximately seventeen point three (17.3 +/-) acre parcel on which Wegmans is proposing the development of a Wegmans Food Market and out-parcel retail space; with the remaining approximately twelve point seven (12.7 +/-) acres of the 30 +/- acre parcel remaining undeveloped, and

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

WHEREAS, consideration of the zoning change by the Henrietta Town Board exceeds one (1) or more thresholds for a Type I Action as stated by Section 617.4 of the New York State Environmental Quality Review Act, and

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

WHEREAS, a full Environmental Assessment Form (EAF) has been prepared for the proposed rezoning, and

WHEREAS, it is required that this Board and other involved agencies undertake a coordinated SEQRA review of this Application, and

WHEREAS, the Henrietta Town Board declares its intent to be the Lead Agency under SEQRA and will be sending out a letter notice to all involved agencies regarding this declaration, requesting a response to this declaration within thirty (30) days of receipt of said notice.

THEREFORE, BE IT RESOLVED, that a meeting of the Town Board of the Town of Henrietta shall be held at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, in the Town of Henrietta, Monroe County, New York on the 1ST of June, 2005 at 8:00 P.M. to consider the rezoning for the proposed development and to hear all persons interested in the subject. Notice of said Hearing shall be published and posted in the manner provided by law.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just under discussion, to be clear, as opposed to the previous time Wegmans was in, they wanted the thirty (30) acres rezoned. This looks like seventeen (17) and then thirteen (13) remaining undeveloped.

SUPERVISOR BREESE

Actually, it's fourteen point four (14.4) that they are requesting. This is for a Public Hearing, that's all this is. Call the roll on having the Public Hearing, 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 #10-134/2005

On Motion of

Councilman Mulligan

Seconded by

Councilman Yudelson

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

Kevin J. Conner	Highway, Seasonal Laborer @ \$7.75/hr. from wingperson @ \$8.25/hr., effective 5/9/2005.
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BE IT FURTHER RESOLVED, that the following employee be given an additional day's pay for unused sick leave for the period of July, 2004 through December, 2004 (per Labor Agreement):

Ronald LaRocca

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

Carried

voting

Aye

SUPERVISOR BREESE

That's the end of the regular meeting. Before we adjourn, is there any other business anybody wants to bring up, involving the Town of Henrietta? (*Pause, no response*).

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 8:40 P.M. and passed unanimously.

Respectfully submitted,

Patricia Shaffer

Town Clerk/Receiver of Taxes