

**HENRIETTA TOWN BOARD
AGENDA
MAY 18, 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) - May 4, 2005
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Rezoning of Land Located on the Southwest Corner of Erie Station Road and East Henrietta Road from Residential R-1-20 to Residential R-2-15
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

PRESENTATION OF ANTOINETTE BROWN BLACKWELL AWARDS - Helen Elam

RESOLUTION #11-135/2005
Authorize Accounts Payable

RESOLUTION #11-136/2005
Declare the Week of May 18TH Through May 24TH "Women's Week"

RESOLUTION #11-137/2005
Authorize Supervisor to Sign Abandonment of Easement - 400 Jay Scutti Boulevard, BJ's Wholesale Club

RESOLUTION #11-138/2005
Accept Letter of Credit - Calkins Road Professional Business Park, Section 3

RESOLUTION #11-139/2005
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 18TH 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 items on the Agenda, other than the Public Hearing, just Agenda items only, at this time? I'll call the Public Hearing later. *(Pause - no response)* Okay, may I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of May 4, 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

At this time, I would like to recognize Helen Elam for a presentation of the Antoinette Brown Blackwell Awards. Helen Elam, the floor is yours. You brought a good crowd with you tonight.

(Helen Elam conducted the Twenty-third Annual Antoinette Brown Blackwell Award Ceremony. Yvonne Thorne, 2004 Award Winner, presented the 2005 Henrietta Woman

of the Year Award to Florence Hetrick; Alva Marticelli, Scholarship Chairperson, presented the 2005 Scholarship to Lauren Jewett)

SUPERVISOR BREESE

Before we take a two minute break in place here, Councilwoman McCabe would like to Move a Resolution, as it is connected with what we are doing here tonight. Mrs. McCabe?

RESOLUTION #11-136/2005

On Motion of

Councilwoman McCabe

Seconded by

Councilwoman Zinck

WHEREAS, women are a major part of the citizenry of the Town of Henrietta, and

WHEREAS, the contributions of the Town's women residents are many and varied, and deserve recognition.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta, in recognition of women, declares the week of May 18TH through May 24TH "Women's Week" throughout the Town.

SUPERVISOR BREESE

Under discussion, I'm sure there will be no "No" Votes on this. *(Laughter)* 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 will take a five minute, in place break, here. You folks, if you want to go out into the hallway, fine. If you want to stay here and listen to the Board meeting, you can do that, too.

(Brief Intermission)

SUPERVISOR BREESE

Is everybody here? Fine. We have a Public Hearing tonight on the proposed rezoning

of land on the southwest corner of Erie Station Road and East Henrietta Road, from Residential R-1-20 to Residential R-2-15. Has this been properly advertised?

PATRICIA SHAFFER

Yes, Sir.

SUPERVISOR BREESE

I would like to ask the Applicant if they would come up now and give us a summary of what it is they are seeking from the Town Board, and give us your name, please.

RICHARD ROSEN, A.I.A. ARCHITECT

Thank you, Mr. Breese. My name is Rick Rosen, an architect and planner, and I have with me tonight Anthony DiMarzo and Chris DiMarzo, and Don Reilly, who many of you know, is the former Director of the RGRTA. So, we are here tonight to talk about a site at the southwest corner of East Henrietta Road and Erie Station Road. Before I start, would those in the audience who really can't see the drawings want to move to this side, up front, because there is a lot that I will be illustrating and I would like for you to be able to see them. Let me start by explaining the kind of, why this kind of housing is needed. Henrietta is primarily a community of single-family homes with some apartments and townhouses and a very good balance of manufacturing and commercial development, to help your tax base. The single-family home neighborhoods were developed primarily in the fifties (50's) and sixties (60's) for young families and today, forty (40) or fifty (50) years later, these same families who no longer have children living at home are now contemplating where they will live the rest of their lives. One very attractive alternative, both nationwide and also throughout Monroe County, is independent living. This type of community provides apartments with basic housekeeping services, with full kitchens in each apartment, but also with a central diningroom and with a great variety of social programs and wellness facilities. The DiMarzo family businesses have built and operate three (3) of these communities in Monroe County. Chris DiMarzo is going to be pointing these out, as I speak of them. Legacy at Park Crescent is in the Town of Greece. Legacy at Willow Pond is in Penfield, is several years old and has eight-nine (89) fully occupied apartments. And then, Legacy at Cranberry Landing, in Irondequoit, which is the most recent that we have completed.

In addition, we have under development, under construction now, a very large Legacy community, townhouses and also a central building, Legacy at Clover Blossom, which is near Clover and Blossom Road, in Brighton. And, we have on the drawing board, additional Legacy's for Chili and Victor. He have found that by moving to independent living, seniors are able to live longer, healthier lives and avoid having to go to a nursing home. Couples or widows or widowers customarily move in while they are still in fairly good health and this becomes their home, with friends to support them as they age, and become more frail, less able to care for themselves. Both doctors and social workers agree, that by moving to independent senior living, while one is still able to make new friends, the aging process will have more dignity, less stress for the family, and the alternative of holding onto the house, to the last possible moment and then having to go into a nursing home, should something go wrong, such as a fall, which could result in a

broken hip, can be avoided. Our Legacy communities are the largest provider of market rate senior housing in Monroe County, and the DiMarzo family has, as it's goal, providing additional communities where those who are aging presently live. That is why we are here tonight. Where to locate these residential communities for seniors is very difficult in a mature community such as Henrietta. They don't belong in a commercialized area because they are residential. They belong in a quiet area, accessible to old friends, to churches, where these people, your neighbors, can shop at the same grocery store, be near the drugs they trust, be near the doctor's office. There is no room for them in built up areas, as a site of substantial size is required. This site that we have selected is at the edge of your developed area but is still on Henrietta's main street, East Henrietta Road. Next, let's talk about how the site will fit in with the Master Plan. The site coverage is about, I'm going to which to this other microphone. Does it need a switch, is it on?

SUPERVISOR BREESE

You never know. You never know, here.

RICHARD ROSEN, A.I.A. ARCHITECT

Here we go. The Town Board members have their individuals of this so I will speak to the audience (*Referring to the displayed drawings*). As you know, there is a large church on the corner, there's a large apartment development across the way, the reservoir site is immediately to the south, and Erie Station Road keeps dipping down to the trail along the old, the Lehigh Valley Railroad. You have a proposal before you for the greenprint in the southern half of the Town, and because this is at the edge of development, because it is developed at such a low density, with a very, a low coverage of density of buildings and a very large amount of green area preserved, we see it as a very natural transition to the greenprint area. In addition, as we've organized the site, we are providing a forever wild open space within the site and it is buffered on the south by the land of the reservoir. I want to put this in scale for you because this is such a small drawing, as you are driving down East Henrietta Road, when you get to this intersection, the building is over three hundred (300) feet set back along East Henrietta Road, this wing of the building is set back two hundred (200) feet, for example. So, it is just a very green, open use of the land, which is an excellent transition, we think, to the greenprint area, where you will be developing at lower densities. The two-story Legacy building is on a ten (10) acre site, and it will provide half of the units that are proposed. This is a ten (10) acre site, and that has the ninety-six (96) units in the Legacy building. At the center of the site, there is a twenty-six (26) acre portion on which we are placing one hundred and four (104) townhouses, and linked to that ten (10) acres, this is the wooded hillier portion of the site. So, of the total of thirty-six (36) acres, with one hundred and four (104) units, that's a density of a little less than three (3) units per acre. Mark IV has developed three (3) townhouse communities within your Town, at densities of five (5) to eight (8) units per acre. This is a significantly less dense development than we have done in the past. Again, making this quite compatible with the lower density proposed by the greenprint recommendation. The townhouses will be attractive to those who have outgrown their family house, or who don't want the maintenance responsibilities of an older house, and

who are planning ahead to the day when they may want to move into the independent building. All of the services provided in the central building will be available to them. If a family or individual has an elder parent living in the independent building they can have their own spacious townhouse within walking distance, so they can visit, dine with them, spend time with them, without strain. I would like to point out some of the features in the organization of the site. There is a walkway, private walkway network, through the rear space, which connects with sidewalks all the way back to the ten (10) acre open space. There is a very large central green space of a couple of acres in the center. It will have things, it will have passive recreation. There will be a gazebo there is bocci, there will be shuffleboard, various outdoor activities. There are other green spaces within the site. There will be a complete sidewalk network all along one (1) side of each street. So, the townhouses really are designed in such a way that it becomes a very self-contained community meeting recreational and open space needs of the residents. While there is a minimum age restriction of fifty-five (55) for one occupant of each Legacy apartment, we don't propose any age restrictions for the townhouses. The reason is that there are families and individuals which care for those who are handicapped or aged and who choose to live together in the same home. Perhaps, an unmarried daughter and her mother, and after the mother passes away, the daughter may choose to stay. Some individuals or couples may be searching for a senior community in Monroe County where they will have the opportunity to live very close by to help them, and see them, for the remaining years they have in the Legacy building. We have that experience at Park Crescent, where the Legacy building has several dozen townhouses behind it, and some of them are occupied by the adult families who wish to be near to their parents for their remaining years. We have built, in total, hundreds (100's) of townhouses, including three (3) communities here in Henrietta, and over the past two (2) decades we have observed a minuscule number of children, and that is with no age restrictions present, in any of those. Rochester has a tradition where families can move to a detached house, on it's own lot, to raise their families. In Henrietta, there's an abundant supply of single family homes, which are good value, fine for starting a family. We can confidently predict that there are no school children, or perhaps close to no school children coming from this community on the basis of the townhouse in the communities that we have built here and in other Monroe County towns, already, over a period of twenty-five (25) years. The plans call for our constructing the townhouse community to the Town's highest standards. The streets will all be built for dedication to the Town, and each townhouse will sit on it's own lot. To meet the needs of the seniors we will be servicing, we want to have the flexibility to "sell", as we cannot predict in future years which is most appropriate for seniors, "renting" or "owning". Being able to rent may be important for those who wish to locate close to an elder in the Legacy building, for what might be a rather limited period of time. For others, taking out a mortgage may not be appropriate for some seniors who may have converted their savings to an annuity, on which to live. When a townhouse is sold, we will sell them for one hundred and twenty-five thousand (\$125,000) to one hundred and sixty thousand (\$160,000) dollars, in today's dollars, and there will be a homeowner's association to assure a high quality of exterior maintenance for homeowners. When a townhouse is rented, the rent with services, will be from one thousand, seven-fifty (\$1,750) to two thousand, three-fifty (\$2,350), per month, which of

course includes all your meals. Where the rental without services is appropriate, for a particular case, the rent will be one thousand, three hundred and fifty (\$1,350), per month. Now, in the Legacy building, the rents with housekeeping, transportation and meals, will range from one thousand, three-fifty (\$1,350) to one thousand, seven-fifty (\$1,750), per month. These are the established rents, which we have learned work, and that we have in the other existing buildings. These are not guesses, these are realistic projections based on what we are managing and operate now, the other buildings that we have built. We have brought you pictures of townhouses that we have built here in Monroe County. Chris, if you'd, they are at the front here. Legacy at Park Crescent, these are the townhouses that are built behind it, that I was just speaking of. This is here in Henrietta, Heritage Meadows, and this is Huntington Park townhouses. Moving along, we have found in our previous experience planning and constructing the various Legacy communities that there are five (5) important impacts on the Town that need discussion, and I am going to go through them in order. By comparing the impacts of the Legacy community with traditional single-family housing, we can show you the advantages, to the Town and the school district, of this proposal. First, is traffic generation. There will be less traffic in the all important morning and evening peak commuting driving hours, and on Saturday. As families who move into a single-family home mature, with two (2) or three (3) teenagers per unit, and two (2) and sometimes three (3) cars per household, the morning and evening peak hours see on an average of about two (2) cars moving in and out of each driveway. The Legacy proposal, at full development, will produce between point five (.5) and point eight (.8) cars in or out of the total community, that is combining the townhouses and the senior building, during those morning and evening peak commuter hours. Very few of the seniors drive, and if they do, it is usually between ten (10) to three (3) during the week, when they get better service at stores and when they don't have to contend with heavy traffic. About one quarter (1/4) of the traffic generated by the site will be from the senior building and those servicing it, making deliveries and visitors, the rest from the townhouses. The second is recreation. The Legacy community is totally self-contained, with staff dedicated to wellness, fitness and providing activities for seniors, and with extensive outdoor passive recreation and walking paths, no demand will be placed on the Town. However, our Directors in the other communities have established partnerships with other town recreation departments, and for some occasions, seniors of the Town are welcome in the Legacy community. In other words, we provide an additional resource for art shows, various activities, for the town-wide senior community. Emergency services, including fire protection, police and the ambulance corps. The Legacy building will be fully sprinklered. Because we have a professional first response team on our staff, the calls for any kind of emergency services are greatly reduced. Police traditionally have no call to visit a senior community. The ambulance will be able to fulfill their responsibilities only when it is actually required, because of the first response capability of our staff, avoids unnecessary calls. Parks and open space, number four, that's a big part of this proposal. We will offer a donation of the ten (10) acres of open space, on the western part of the site, to the Town for open space purposes, if the Town Board desires. Otherwise, we will maintain it, as a naturalistic, passive park area for our residents. Because of the extensive walking trail and passive recreation space, this kind of housing makes no demands on the Town's recreation

department. Lastly, tax advantages. Because the community will be fully tax paying, it is a for-profit tax paying venture, it is not off the tax rolls. We will pay taxes to the School District, the County, and the Town. We have computed that over a ten (10) year period this development will generate for the Town and School District over a million dollars (\$1,000,000) more in net revenue than the traditional tract, the tract that has been approved for sixty-five (65) single-family houses. The reason is, there are virtually no school children, while school taxes will be paid. So, in summarizing, you can see that having a private sector tax paying senior living community in the Town will definitely work to keep everyone else's taxes down, and that can be done with a Legacy community without the Town having to increase the amount of commercial or industrial development, which has proven to be somewhat controversial. So, to conclude what we are asking for, the Town Zoning Ordinance has made provisions for this type of community in the R-2-15 Zoning District, with a Town Board Special Permit, to build both townhouses and to build the independent living apartments. Nowhere in the Town, at present, is there suitable R-2-15 Zoned land near to where the families who may wish to live here are located. So, rezoning of land is necessary. Because of the very low coverage of the land and a very low ratio of buildings to land, the Legacy community proposed will be an excellent transition to the greenprint, low density proposal for this part of town. The site is already approved for a subdivision of sixty-five (65) home sites. The Town already has an abundant inventory of this kind of housing. As the population continues to mature, the present imbalance in the inventory of housing will become even more acute. This proposal will continue the excellent record Henrietta has in keeping taxes low by having a good balance of different land uses. Lastly, I'll conclude with a statement about my employer, the developer can be trusted to deliver. The DiMarzo family has built, over the past thirty-five (35) years, over three thousand (3,000) residential units here in Monroe County, nearly one million (1,000,000) square feet of commercial space and is the largest provider of market rate senior housing in the County. With a superb reputation for caring for their residents. This site is uniquely appropriate for a Legacy that can serve this part of the County. Thank you.

SUPERVISOR BREESE

Thank you, Mr. Rosen. Are there any questions from Board members before I open it up to the public?

COUNCILWOMAN ZINCK

Yes, I have a couple of questions, actually. So, I want to make sure I'm understanding, you rent the townhouses but you also sell the townhouses?

RICHARD ROSEN, A.I.A. ARCHITECT

That is correct.

COUNCILWOMAN ZINCK

Have you noticed a higher demand, if someone were to sell their townhouse, in an establishment like this versus other townhouse complexes that you've had?

RICHARD ROSEN, A.I.A. ARCHITECT

I think I can make this statement, and gentlemen please supplement it if you think it's necessary, the suburban townhouse communities we built have all experienced significant price appreciation. I think that is what is important. Property values will increase, therefore the effect on abutting properties will be positive, it will not be negative. We have never built a townhouse in the suburbs that had failed to appreciate year after year, but of course,

prices of everything go up and it may still be, we assume that that will still become affordable for future families who wish to move in.

COUNCILWOMAN ZINCK

I guess I was just wondering, since this is a unique type of community, if maybe it was easier to sell, because it would be more in demand.

RICHARD ROSEN, A.I.A. ARCHITECT

Yes, that is a very important point, and thank you. The primary attraction of living in this community, in a villa, will surely be the services in the main building, in either anticipation of your own aging or to be near someone else, or to be out of the environment of a lot of young kids and families, I mean, most towns, I think all of the suburban townhouse communities in Monroe County cater to people of a certain age... *(Switching to side two of tape)*...

SUPERVISOR BREESE

But, your townhouses, your primary purpose is to sell the townhouses, isn't that correct?

RICHARD ROSEN, A.I.A. ARCHITECT

The primary purpose is to sell...

SUPERVISOR BREESE

You build them, really, to sell them, don't you?

RICHARD ROSEN, A.I.A. ARCHITECT

Yes, but we will continue to own some because there is this co-hort of people, for a variety of reasons, that can't buy or don't want to buy.

SUPERVISOR BREESE

What is the mix, usually, in one of those projects, "sale" versus "rental", with the townhouses, do you have an average figure, from experience?

RICHARD ROSEN, A.I.A. ARCHITECT

I think I would ask Tony DiMarzo that, I have no idea, I'm not focused on that.

SUPERVISOR BREESE

Okay, Tony get up here.

ANTHONY DiMARZO, MARK IV CONSTRUCTION
Mr. Breese, Town members.

SUPERVISOR BREESE
This is Tony DiMarzo...

ANTHONY DiMARZO, MARK IV CONSTRUCTION
Tony DiMarzo, Mark IV Construction Company. The question is whether, what's the percentage of ownership, what's the percentage of rental, and the real test of this, Jim, is with the communities that we have built, most of it is sold, but there are a few units that are not. The one key thing that we must remember, an association will be formed so the rental units will be maintained on the outside to the extent of ownership, as ownership would be maintaining them. So, all the maintenance, all the exterior is maintained by the association.

SUPERVISOR BREESE
Thank you. Anybody else?

COUNCILMAN MULLIGAN
I have another question for Mr. DiMarzo. Mr. DiMarzo, what do the demographics indicate in terms of who will buy the townhouses, what age group? I know I've had people over the years looking for a facility like this, but at the same time, I'm wondering, do you restrict it to people over fifty-five (55)? You're saying you don't want to do that, but what do the demographics indicate?

ANTHONY DiMARZO, MARK IV CONSTRUCTION
Well, it indicates to us, at least all the townhouses that we've built, especially in the suburbs, that most of the residents are empty nesters. Number one, they don't have children; number two, that most of them are at the point where they don't want maintenance. So, it tends to be for more mature, I would say fifty (50) and over, fifty-five (55) and over, but occasionally there is an owner that has a young wife or a young husband, that happens to be an owner or tenant that lives there.

COUNCILMAN MULLIGAN
The Legacy over in Greece, is that limited to fifty-five (55) and over or is that...

ANTHONY DiMARZO, MARK IV CONSTRUCTION
In that particular project, their in the seventy-five (75) to eighty (80) range.

SUPERVISOR BREESE
Are you talking about the townhouses?

ANTHONY DiMARZO, MARK IV CONSTRUCTION

The townhouses.

SUPERVISOR BREESE

Okay.

COUNCILMAN MULLIGAN

So, is that limited to fifty-five (55) and over, is that a restriction?

ANTHONY DiMARZO, MARK IV CONSTRUCTION

Yes.

SUPERVISOR BREESE

Thank you.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

Thank you.

SUPERVISOR BREESE

Any other questions?

RICHARD ROSEN, A.I.A. ARCHITECT

I would like to supplement the answer to Mr. Mulligan. That wasn't our choice. The Town of Greece, being a much larger town which had some of these facilities already, they already had a zoning district in place specifically for senior housing and so, the entire site had that restriction on it, we would not have opted for it. That was the reason.

SUPERVISOR BREESE

Anybody else, right now?

COUNCILMAN YUDELSON

Mr. Supervisor, just one more question, probably for Mr. DiMarzo, in your other projects in the central building, not in the townhomes, what kind of occupancy rates do you have? In your experience, are most of the buildings full?

ANTHONY DiMARZO, MARK IV CONSTRUCTION

In the townhouses or in the...

COUNCILMAN YUDELSON

No, in the central, assisted...

ANTHONY DiMARZO, MARK IV CONSTRUCTION

In the community, knock on wood, we're reaching almost one hundred percent (100%) in Park Crescent, we're about seven (7) units from reaching one hundred percent (100%) in our Cranberry development, and at Willow Pond, we have been up to ninety-eight (98) and back down to ninety-five percent (95%), but that is the range that we have been

experiencing.

COUNCILMAN YUDELSON

Thank you.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

Thank you.

SUPERVISOR BREESE

Another question over here?

COUNCILWOMAN ZINCK

I do have another question. You threw out, I think the amount thrown out was one thousand, fifty (\$1,050) for the rent inside the main facility.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

Okay.

COUNCILWOMAN ZINCK

Do you have comparisons, or any kind of charts that show what it would cost a senior to live not in a complex like this, just because, we want affordable housing, so I'm wondering, do you have any charts that show that this is actually very fair?

ANTHONY DiMARZO, MARK IV CONSTRUCTION

Yes, in all of our Legacy brochures there is a sheet that we provide that shows the average cost of a house in the one hundred and fifty (\$150,000) range, and the maintenance that goes with it, and when you get all down to it, we show you, basically, that it is less expensive to live in one of our communities than it is to live in your own home. Was that your question?

COUNCILWOMAN ZINCK

Thank you, yes it is, thank you.

SUPERVISOR BREESE

Anybody else, before I go to the audience?

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, I guess I was just surprised to hear that you are renting some of the townhouses. When we met with you it was my understanding, I don't know about the rest of the Board, that these would be all for sale...

SUPERVISOR BREESE

It wasn't my understanding.

COUNCILWOMAN McCABE

...and, the Legacy was for rent. So, I guess I'm just quite surprised to hear that you will have some rentals.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

I think, Ms. McCabe, that we always kept our options open because what we are finding is, the seniors need the flexibility. When you reach a certain age you may not want ownership, but yet you may want to live within a senior community. You want the

amenities, you want the proximity, of being able to have services and meals. So, we would like to keep that open, if we can.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR BREESE

Anybody in the audience like to speak on this Application? Yes.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

First of all, I was concerned because we have a Moratorium, on the housing developments south of the Thruway, and I was wondering how this fits in with that Moratorium.

SUPERVISOR BREESE

The Moratorium won't affect this.

COUNCILMAN MULLIGAN

Can't really Vote on it though, Mr. Supervisor, until after the Moratorium is lifted.

SUPERVISOR BREESE

That's a legal question to be answered. I'm not sure you are right.

DANIEL MASTRELLA, TOWN ATTORNEY

I can answer that.

SUPERVISOR BREESE

Go ahead.

DANIEL MASTRELLA, TOWN ATTORNEY

The Moratorium applies to the subdivision of property. It does not apply to the rezoning of property. That is specific in that legislation.

SUPERVISOR BREESE

Thank you. Okay?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

So, this is not affected by the Moratorium.

SUPERVISOR BREESE

That is what he just said, he explained it in more detail.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

The second question I had is whether the residents in this area immediately around this have been informed, and have been made aware of the nature of this development?

SUPERVISOR BREESE

Of course, we ran a Public Notice on it.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

No, I mean other than the Public Notice. Usually when there's something, there's something that goes out to the immediate, to the neighbors. Has this gone out?

SUPERVISOR BREESE

We did whatever was legally required, in terms of public notice.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

Okay, that was the second question. I'm just wondering how this is going to work out in terms of the past experience we have had as a town with some of these developments. Thinking particularly of the development off of Lehigh Station Road, by the railroad tracks. Where we attempted to have senior housing, and it has been an up and down affair for several years. What assurance do we have that this is not going to be another situation like this?

SUPERVISOR BREESE

Well, I think you have to base it on the reputation and experience of the Applicant, and we have a long experience with this Applicant, which has been favorable.

COUNCILWOMAN ZINCK

And, I would say the success with the other projects that they have done, that are similar to this.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

We hope that this is going to be the case here, if this is the way it is going to go through.

COUNCILWOMAN ZINCK

Yes, we do.

COUNCILWOMAN McCABE

A Special Permit would put a restriction on it, a time restriction on it, anyway.

SUPERVISOR BREESE

Well, it could. It doesn't have to.

COUNCILWOMAN McCABE

It could.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

And, apparently, there are some new features which you have not been aware of, in terms of the rental thing. Is this going to make any difference, in terms of the kind of thinking you can bring to it.

SUPERVISOR BREESE

Well, I don't think rental people are second class people. They're going to pay rents in the Thousand (\$1,000), Twelve Hundred (\$1,200) Dollars a month, I don't think we should consider that that is not a good program. I don't know why we worry about "rentals" versus "sales". Most of these, he said, will be "sales". There might be some "rentals". Frankly, I say, "So what, I don't care". These are not cheap rentals, obviously. These are expensive rentals. So, I think that will attract the kind of people that can pay that kind of rent.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

My concern here was not that they were putting down people one way or the other, my concern was that here you have something that which you had not been aware of.

SUPERVISOR BREESE

I was aware of it.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

Okay, but apparently others on the Board were not...

SUPERVISOR BREESE

Okay, so what is your point?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

My point is, is there anything else of this nature, are we going to be finding some more surprises here, coming along?

SUPERVISOR BREESE

It is not a surprise. It is not a surprise, frankly.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

Okay, it apparently was, for some.

SUPERVISOR BREESE

So, what is your point?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

My point is that if the Board is not fully informed...

SUPERVISOR BREESE

That's not fair. That's not true.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD
...then, how about the other people in the community?

SUPERVISOR BREESE

Do you want the Project or not?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD
Beg your pardon?

SUPERVISOR BREESE

Do you want the Project or not?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD
I'm not questioning this as a Project, I'm questioning the way it is being brought before the people, as a Project.

SUPERVISOR BREESE

Okay. What's the problem with that?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

The problem is that we have had some unanswered questions, and we have had some other things which we certainly have questions about, as I have indicated. So, I think when you have something of this nature coming, that when you have a community that had not expected something like this, but expected, in terms of your Moratorium, in terms of the other understandings, that it would come in a different fashion. You are bringing it on as kind of a surprise, and that was why I...

SUPERVISOR BREESE

Why is this a surprise?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD
It's different from what you have indicated.

SUPERVISOR BREESE

It's been advertised. Why is it a surprise?

COUNCILMAN MULLIGAN

I think, Mr. Bixby, any new information we get, Mr Breese was aware of something, another member was not, we'll make a decision. Whether they be owner occupied, or

rentals will be permitted, whether they be fifty-five (55) or over, or whether it be open. You can put restrictions on it, and we will do that, and we appreciate your comments, and we will try to make the best decision we do, if it is approved.

COUNCILWOMAN McCABE

That is why we have a Public Hearing, so we can iron these things out.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

Yes, I appreciate that, and I appreciate there being a Hearing, which is where we are considering this. It sounds like good housing and everything, and this sort of thing, and I am raising these questions...

SUPERVISOR BREESE

It sounds like what?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

Beg your pardon?

SUPERVISOR BREESE

It sounds like what?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

It sounds like good housing, I'm not concerned about that. I'm concerned about the process in which we are following, in terms of public acceptance, public awareness, and public involvement, and that is what I was concerned about.

SUPERVISOR BREESE

How would you change the process, if you could? What would you do?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

I think it would be appropriate to wait until you have completed your Moratorium decision, and then deal with this.

SUPERVISOR BREESE

I think you heard the Town Attorney.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

I understand what you are saying here, but the process raises questions in terms of this.

SUPERVISOR BREESE

You got the answers from...

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

I know, you're giving me an answer, a legal answer, but I'm saying in terms of the public's expectations.

COUNCILMAN MULLIGAN

The Board can actually Lift the Moratorium anytime we wanted to, before we Vote on it, after the Moratorium, you know, lapses.

SUPERVISOR BREESE

That's correct.

COUNCILWOMAN ZINCK

The other thing I just wanted to mention is, actually, this Project, we've probably taken the most time with over almost any project that I have been involved with since I've been on the Board. We were actually invited to go and see existing facilities, and we were given a very thorough tour of, you know, both townhouses and the main living area. Really, if there were any misunderstandings it was just because it was a lot of information. I don't think there were any surprises.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

Okay, very good.

COUNCILMAN MULLIGAN

There has been, Mr. Bixby, a demand for this type of housing. We hoped Lehigh Station would work, it didn't work. We talked about that tonight, we'll probably be in court on that. This looks to be a breath of fresh air for people that don't want to mow a half acre of lawn anymore, that don't want to shovel driveways. They have access to all kinds of meals, all kinds of amenities and services. I get a lot of calls supporting it. So, if it's approved, I hope it's a good project. Mr. DiMarzo has an excellent reputation, a million (1,000,000) square feet of space is a lot of space. This is not a fly by night guy, this is an established, well respected individual.

COUNCILMAN ZINCK

It's a beautiful facility.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

Thank you.

SUPERVISOR BREESE

Thank you. Anybody else like to speak on this Application?

TIMOTHY GUERRA, 129 WINDELIN DRIVE

Hello, Tim Guerra, 129 Windelin Drive, directly across the street from the proposed facility. A couple of questions, first off, we heard about the setback on the corner and on East Henrietta Road, I haven't heard anything about the setback on Erie Station Road?

SUPERVISOR BREESE

Good question, I wish somebody would answer that. Good question. Mr. Rosen?

RICHARD ROSEN, A.I.A. ARCHITECT

I can answer that. *(Referring to the displayed drawings)* The one townhouse building that is along the entry drive will be setback the legal requirement from Erie Station Road, which I believe is fifty (50) feet.

COUNCILMAN MULLIGAN

Mr. Rosen, can you slide to the other side?

RICHARD ROSEN, A.I.A. ARCHITECT

Okay, so you can see it, this one building will have the legal setback requirement, the others will be setback dramatically more. This setback will be over one hundred (100) feet, this one is over one hundred (100) feet. These, the average setback here is well over one hundred (100) feet, the angular buildings...

COUNCILMAN MULLIGAN

The curb cut, is that Windelin, with no name on it?

RICHARD ROSEN, A.I.A. ARCHITECT

That is the curb cut.

(From audience, "That would be Pulteney, Pulteney Drive")

COUNCILMAN MULLIGAN

Okay, that's the one farther to the east.

TIMOTHY GUERRA, 129 WINDELIN DRIVE

Yes, Windelin would be farther to the west.

COUNCILWOMAN ZINCK

The other thing that is kind of important to remember is, that this was approved for sixty-five (65) houses, and this appears to be a lot less of an impact on that area.

RICHARD ROSEN, A.I.A. ARCHITECT

That's correct, because the houses on the approved plan, each have legally required setbacks and no more, at that point, and those of course are backyards or side yards, facing the street, without room to create berms, to create privacy for the rear of the homes, which we provide for.

COUNCILMAN MULLIGAN

There will be berming on Erie Station?

RICHARD ROSEN, A.I.A. ARCHITECT

Yes, yes.

COUNCILMAN MULLIGAN

How high are they?

SUPERVISOR BREESE

That's up to the Planning Board.

RICHARD ROSEN, A.I.A. ARCHITECT

Yes, that's something we'll design.

SUPERVISOR BREESE

You had another question, didn't you?

TIMOTHY GUERRA, 129 WINDELIN DRIVE

Yeah, actually a couple of other questions, and this really goes more to the legal aspect, honestly, I wasn't all that aware of the Moratorium but what I heard was the Moratorium was based on subdividing of land, but we had heard earlier that these were going to be individual townhouses on their own lots. Doesn't that, does that not imply that those individual lots are going to be subdivided from the fifty (50) acres that are there right now?

DANIEL MASTRELLA, TOWN ATTORNEY

May I?

SUPERVISOR BREESE

Yes.

DANIEL MASTRELLA, TOWN ATTORNEY

I don't know what their plan is, as far as whether or not there will be subdivision within that property, and perhaps the Applicant can answer that, but this is not an Application for the subdivision of land. This is merely an Application for the rezoning of the property and for a Special Permit. We have to accept an Application for rezoning in the absence of a Moratorium on such applications. The only Moratorium that is presently in place is on the subdivision of property. So, we are obligated, under State Law, to entertain this Application.

TIMOTHY GUERRA, 129 WINDELIN DRIVE

Okay, we heard a little bit about the property values that is associated with these condominiums, and the like. I am curious, what you have found the experience to be for the surrounding neighborhoods, on property values? In other words, a townhouse that is selling for one hundred and twenty-five (\$125,000), one across the street, the majority of the houses are selling at one, seventy-five (\$175,000) to one, eighty-five (\$185,000), doesn't sound like a good proposition to those individuals who live across the street.

RICHARD ROSEN, A.I.A. ARCHITECT

What is your question?

TIMOTHY GUERRA, 129 WINDELIN DRIVE

What has your experience been with the surrounding property values, for the residential homeowners?

COUNCILWOMAN McCABE

We need your answer on the microphone, please.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

I believe the question is, by placing townhouses in the neighborhood, would you devalue the single-family homes in the neighborhood? I can only tell you that in the thirty-five (35) years of construction that we have been involved in, and the three thousand (3,000) or more units that we have built, and there are probably over thirteen hundred (1,300) townhouses, that the townhouses that we have built have not devalued the surrounding neighborhoods. As a matter of fact, it creates a cohesive plan, and a very desirable place to live.

SUPERVISOR BREESE

Thank you. That's a good question, by the way.

COUNCILWOMAN ZINCK

Yes.

TIMOTHY GUERRA, 129 WINDELIN DRIVE

Thank you.

SUPERVISOR BREESE

Did you want to add something?

RICHARD ROSEN, A.I.A. ARCHITECT

I think I would like to supplement that very specifically, and Mr. Riley, who was Supervisor to the Town of Greece can attest to, at the time, one of the first townhouse developments that we built, my gosh, it must be over twenty-five (25) years ago, Brookview, off Maiden Lane. We were asked the same question by the residents when we came out on the site, and the single-family homes that backed up to it, that surrounded it on two (2) sides, I think were all, their property values went up significantly, when all of the beautiful landscaping of the townhouse community was completed. Am I correct in that?

ANTHONY DiMARZO MARK IV CONSTRUCTION

(From the audience, yes.)

SUPERVISOR BREESE

He is nodding his head, knowingly, I guess.

(From audience, from a resident, "Do you know the percentage that they went up, can you remember?")

RICHARD ROSEN, A.I.A. ARCHITECT

No, we do not have actual numbers because it isn't our business to.

(From audience, there are some more recent appraisals that we have done...)

SUPERVISOR BREESE

Mr. Riley, can you please, get on the Mic, please.

Mr. Riley

No, I apologize.

SUPERVISOR BREESE

Fine. I'm glad you brought up that subject, though. I'm glad it's on the Record.

DAVID MEINTEL, 28 PULTENEY DRIVE

David Meintel, 28 Pulteney, the street that is directly across the street from this. I guess, more to the point that was brought up just before, you know, I would be interested in statistics rather than "beliefs" as to what that did to the property values of adjacent properties. It's nice to believe it would help the property values, I'm not a believer, necessarily, that that is the case. Traffic, if I'm understanding it correctly, currently there are sixty-five (65) single-family homes, is what it has been approved for. So far, what I'm understanding is there's essentially two hundred (200) units in this development, in addition to staff, coming and going from this development. I believe traffic considerations for this are significantly different than the sixty-five (65) single-family homes that were planned there. Has that been addressed, in the proposals?

SUPERVISOR BREESE

They have statistics on that, which I think they ought to share with you, which shows there's less traffic, and if you would like to see those numbers, I wish you would provide them. Also, on the other question that he asked, any statistics, I agree with you, you need that information.

DAVID MEINTEL, 28 PULTENEY DRIVE

The last point, and yeah, I would certainly like to see that, and I think most of the folks who live in the seventy-five (75) or so homes who live across the street from this would like that as well. The nature area, the forever wild potential area that is connected to this. Will that be guaranteed to stay that way? If it is owned, I guess what I'm getting at, if it is owned by the current development, is that a potential expansion site for a future time?

SUPERVISOR BREESE

No, that is a good question, too. No, we can factor that into any possible approvals, in terms of how that land will be used, or won't be used. The intent is not to have it used for expansion of this subdivision, they have offered it to the Town. We haven't decided yet whether we want it. We don't expect there to be any houses built on it.

COUNCILMAN MULLIGAN

We don't turn down too many gifts. *(Laughter)*

DAVID MEINTEL, 28 PULTENEY DRIVE

No, and I would expect the Town to take advantage of it, but again, if you choose not to take it, I want to make sure it is not back to their discretion, as to how the land is used.

COUNCILMAN MULLIGAN

Good point.

COUNCILWOMAN ZINCK

Yes.

SUPERVISOR BREESE

I agree with that, yes.

DAVID MEINTEL, 28 PULTENEY DRIVE

The last question I have is, if the townhomes are purchased, will they be allowed to be rented by the owners, or do they have to be owner occupied?

SUPERVISOR BREESE

I don't think you can legally stop somebody who owns a home from renting it out, can you Mr. Attorney?

DANIEL MASTRELLA, TOWN ATTORNEY

We can't. The only way, potentially it could be done through the homeowners association, or deed restrictions, but not the governing authority.

SUPERVISOR BREESE

It would be part of the homeowners association's responsibilities.

DAVID MEINTEL, 28 PULTENEY DRIVE

Because there seems to be a large disparity between the cost of the units as a purchase versus the potential rental value. The potential rental value that they were bringing up was between Seventeen Hundred (\$1,700) and Two Thousand (\$2,000) Dollars a month, where the purchase price is a Hundred Twenty-five (\$125,000) to One Hundred and Seventy-five (\$175,000) Dollars, I obviously could buy one for One Hundred and Twenty-five Thousand (\$125,000), have an Eight Hundred (\$800) Dollar mortgage on it, and rent it for Fifteen Hundred (\$1,500).

SUPERVISOR BREESE

I guess the answer is, it would be up to the homeowners association, if they want to put that kind of a deed restriction in, where the homeowner can't rent it out. I don't know if

that's done or whether it sustains legal challenge, I don't know.

DAVID MEINTEL, 28 PULTENEY DRIVE

Okay.

COUNCILWOMAN ZINCK

It sounds like a safe guard though, the homeowners association, in and of itself, because there is a perception that rentals are not cared for in the same way as an owner would, and

so it sounds like the homeowners association, if I understood correctly, would hold the standards.

SUPERVISOR BREESE

But, the Developers also said that they would hold standards, too, in terms of whether it was a rental or not, it would receive the same maintenance and the same care. That is what he said on the Record.

DAVID MEINTEL, 28 PULTENEY DRIVE

Correct. Okay. Thank you.

SUPERVISOR BREESE

Thank you.

SHAWNA BECENE, 4 PULTENEY DRIVE

Shawna Becene, I live right across the street from...

SUPERVISOR BREESE

What is the address?

SHAWNA BECENE, 4 PULTENEY DRIVE

Four (4) Pulteney Drive, we are the corner lot on Pulteney Drive. First of all, I hope the ten (10) acres is not presented to you as a kick-back...

SUPERVISOR BREESE

What does that mean, by the way?

SHAWNA BECENE, 4 PULTENEY DRIVE

Well, a little enticing for accepting their rezoning, or for anything, development wise. I just hope that as a taxpayer that that isn't perceived as some sort of, you know, a little bonus.

SUPERVISOR BREESE

That is certainly irrelevant.

SHAWNA BECENE, 4 PULTENEY DRIVE

I don't believe so because I live across the street. If you lived across the street, you might not believe that.

SUPERVISOR BREESE

Are you saying that we would approve this because of the ten (10) acres? No.

SHAWNA BECENE, 4 PULTENEY DRIVE

Another thing is, there are townhouses right on East Henrietta Road, and there are townhouses on Ward Hill Road, with availabilities. I don't understand why we need more townhouses in Henrietta, if there are townhouses with availabilities already.

SUPERVISOR BREESE

That is a legitimate question, but don't talk about kick-backs, please.

SHAWNA BECENE, 4 PULTENEY DRIVE

I raised a concern. I have a right to raise my concerns.

SUPERVISOR BREESE

Well, you did.

SHAWNA BECENE, 4 PULTENEY DRIVE

My other concern is that, Windelin and Pulteney is a small community, it is just a little horseshoe, and there are no other communities bordering us with children. They keep talking about, there's no children, there's no children. I would prefer to see sixty-five (65) houses go up with potential friends and neighboring people that are like our community. We are already a little bit separated from all the other developments, and a continuation of houses that are more like ours, and a continuation of community would be my preference. So, I would say "no" to this.

SUPERVISOR BREESE

Thank you.

SHAWNA BECENE, 4 PULTENEY DRIVE

Thank you.

SUPERVISOR BREESE

Anybody else like to speak on this Application?

DENNIS KNAB, 1533 ERIE STATION ROAD

Hi, Dennis Knab, 1533 Erie Station Road. I would like to ask you guys to not consider rezoning this land. Henrietta land use, we have plenty of residential space that this could fall under, and several neighbors and myself don't see the need for rezoning this for a lot of townhouses to go in. More of a commercial look would be a better fit.

SUPERVISOR BREESE

That is a commercial look (*referring to a displayed drawing*)?

DENNIS KNAB, 1533 ERIE STATION ROAD

The bigger building I thought was, yes, the Legacy one.

SUPERVISOR BREESE

Okay.

DENNIS KNAB, 1533 ERIE STATION ROAD

It looks more like a store front to me. Also, it was mentioned that the townhouses were for seniors, in a bulletin they mailed out, but if these things are sold, anybody can sell them back to anybody else, and that takes care of the issue of, the issue of, excuse me, I have a very bad sore throat today, not a good day for me. Anyway, one of their concerns were that there were going to be no school aged children, because everybody there would be of senior age, however, once these are built and purchased, later on down the road resold, all of those rules will change. They are going to, they can resell them to younger families, they are going to be raising their families in there, and we are going to have school buses back in out of there, again.

SUPERVISOR BREESE

You would prefer the sixty-five (65) single-family homes then, right?

DENNIS KNAB, 1533 ERIE STATION ROAD

Yes.

SUPERVISOR BREESE

Mr. Rosen, do you want to respond to that?

RICHARD ROSEN, A.I.A. ARCHITECT

I think, Mr. Knab, that the answer comes from the real life history of hundreds (100's) and hundreds (100's) of townhomes that we have built here in Monroe County. It is a remarkable thing, you know, it's not true in other parts of the country, but in upstate New York, as soon as you have kids, you want to have a yard and your own place. Whereas, perhaps out in Victor or in Pittsford, you couldn't afford to buy a house and you might have to stay in something like a townhouse, that is not true in Henrietta. Any young family that wants to raise a family, I guarantee you, because it has been the history of this County, for the past fifty (50) years. They'll move, they'll buy a single-family house, they will be able to put up a swing set, an above ground pool, and all the things they want for their kids. They have always done it. They will continue to do it, and the example we have, in Edgewood Estates, in Huntington Park, in all of these, there is never a kid, no kids, maybe one (1) for a year or two, because they are having a house built. So, I go by the experience.

SUPERVISOR BREESE

Okay, thank you. Anything else, Mr. Knab?

DENNIS KNAB, 1533 ERIE STATION ROAD

Yes, the last concern I had was, they mentioned the rental price of these, and that is an awful expensive rental, and you had mentioned that it was going to attract a higher clientele, but on the other hand, that is going to allow an awful lot of vacancies. If you look at the average income in Henrietta, I mean I can't see a lot of residents that could afford that type of rent.

SUPERVISOR BREESE

I would think that they have done a market study, and they feel they could get those kinds of rents, or they wouldn't be here tonight.

DENNIS KNAB, 1533 ERIE STATION ROAD

Yeah, well, I would think so, but again, you would think they would, but, have they mentioned any, I haven't heard any, that's part of my question.

SUPERVISOR BREESE

I presume they are confident that they can fill those units. Thank you. Yes.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Robert Goldstien, 29 Horseshoe Lane South, here in Henrietta. I have been a resident of the Town since 1961.

SUPERVISOR BREESE

I know that.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I like to keep track of the numbers. *(Laughter)*

SUPERVISOR BREESE

Go ahead.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Supervisor, I would like to ask a few questions of the Applicants, if I may. Could the Applicant clarify the current ownership status of the property? Has a sale been completed, or is this under option, or is there a contingency? What is the status of that property?

SUPERVISOR BREESE

Mr. DiMarzo, why don't you answer that, up on the microphone.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

We own the property.

SUPERVISOR BREESE

Okay.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Thank you. In contacting the existing units of this sort that the Developer has put together, we have been told that they are all rentals. There is no mention of any sales, we asked specifically, in each of the current facilities, and they say these are not for sale, these are all rental units. Is that a correct understanding that I have?

SUPERVISOR BREESE

Mr. DiMarzo, will you answer that? I thought you already did, but go ahead.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

I believe I stated for the Record that each one of these lots will be individually lotted, each one will have a separate tax account. We are prepared to do a homeowners association. It is our intent to "sell" it. There will be some "rentals" in there because of the flexibility of seniors. Some people will want to rent, some people want to buy. We would like that flexibility.

SUPERVISOR BREESE

Thank you.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I have no problem with the idea of "sales", I am just trying to understand that the other Legacy units, they're all rentals. Do you have any experience with "sales" of these villas in the existing Legacy facilities.

SUPERVISOR BREESE

Do you want to answer that? I'm not sure it's true, but why don't you answer it.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

Well, basically, every project is different. We see this as a suburban opportunity. We see it as an opportunity for people who want ownership. It is our intent to go through the process.

SUPERVISOR BREESE

Okay. Thank you.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I'm not sure I understood that answer. Was that a "yes" or a "no".

SUPERVISOR BREESE

It's a maybe. *(Laughter)*

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

My question is, are there, do you have "sales" experience of these villas in your other Legacy facilities?

ANTHONY DiMARZO, MARK IV CONSTRUCTION
In those facilities, we have elected not to “sell”.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
Okay. Thank you. I just wanted to get that clear, for the Record.

SUPERVISOR BREESE
What is your next question?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
Next question, when the Developer purchased that property, I would like to ask, were you aware of the current zoning status of that property? That the proposal you have now is a “not allowed use”, with the current zoning, is that a true statement?

SUPERVISOR BREESE
I’m sure he is nodding his head knowingly, yes, he knew what the zoning was. Isn’t that correct? You don’t have to get up.

ANTHONY DiMARZO, MARK IV CONSTRUCTION
(From audience) Yes.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
Okay, I just wanted to have the Applicant on the Record, because there have been instances, in which subsequently, people who may not have gotten a favorable outcome come to plead hardship, and I think it is just important, for the Record, that....

SUPERVISOR BREESE
It’s not a Zoning Board meeting, and we are not talking about hardship tonight.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
I understand, but for the Record, I think it needs to be established that the owner understood that it was necessary to get a rezoning.

SUPERVISOR BREESE
He is nodding his head that he did.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
Im’ sorry?

SUPERVISOR BREESE
He knew what the zoning was when he bought the property.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
I’m just trying to understand what the Applicant believes.

SUPERVISOR BREESE

That's what he said.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
Okay, then he answered the question for me. Thank you.

SUPERVISOR BREESE

I certainly hope so, yeah. I'm not sure where you are going with this, but go ahead.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I'll get to a number of points.

SUPERVISOR BREESE

I can hardly wait. *(Laughter)*

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I can see you're, *(Laughter)*, please restrain yourself. Mr. Supervisor, members of the Town Board, this is one of those projects about which I have rather mixed views. On the positive side, this is an excellent kind of facility. The Developer has a fine reputation. The facilities that have already been developed have been well developed, well built, they are well managed, well run. A very nice facility. I don't think anyone can legitimately criticize the quality of this kind of proposal, and I certainly do not intend to do so. They also provide a significant service to the communities, within which they have been built, and if there were such a facility in this community, I think it would be a positive addition to the range of availability for people as they move through the age scale, in this community. So, the concept is a very favorable one, and I would certainly be an enthusiastic supporter of it. However, and this is the problem, and you knew this was coming, I'm not sure that this is the right project for this particular location. Having been to each of the existing facilities, the Developer has already done a very nice job on, and look at where they are, none of them is in a residential zoned area of this sort. There is one that is essentially in an office park, there is one that is immediately adjacent to a large, multi-residential apartment development, there is one that is on a large, industrial commercial street, and there is one that is in Brighton now that is proposed for the area behind the Sister's of Mercy School that is "B" and "C" zoned. That is a lower level category of zoning. So, I want to make the point that none of these facilities have been developed in an area that is R-1-20 zoned. So, it is very hard to know what the impact of this would be on an R-1-20 zoned area, and that is what we are talking about here. This cannot be compared to any of the others, and the speculations as to the impact on the surrounding community are basically speculations, because there is no data on that. None of these are in an area comparable to the area in which this is being proposed, and that raises some concerns. I'm sure the Board is familiar with the history of this particular piece of property. That it was zoned R-15, which is a lower category, for many years and then back in the 1970's through a cooperative effort of the neighborhood associations in the area, and the Town Board, the zoning was upgraded to R-1-20, and that was in fulfillment of the Town's Master Plan, as it existed at that time. The Town made a commitment, at that point, to

maintain that quality of residential development, and the Town has done that. The neighbors and the residents of that area have appreciated the Town's continuing commitment to maintaining that, and certainly the Behan report that is coming out, with the things that will be involved, in terms of changes in zoning for the purpose of maintaining low density residential development, represents a continuing commitment to that concept that has been in place for many, many years now. This would be a fundamental change in that, and I think it is important for the Board to reflect on the implications of that kind of change. Just as you are about to, I believe, accept the Behan report, and implement it, we are basically going backwards with this kind of thing. This is not a criticism of the Project, it is an excellent Project, if it were somewhere else. I don't believe it belongs in this particular location.

SUPERVISOR BREESE

Where would you like to see it?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I have a number of ideas about that.

SUPERVISOR BREESE

What would you like to see at this site? You have been against all of the development on this site.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I'm sorry, that's not true, Sir.

SUPERVISOR BREESE

Well, you opposed the School District, they wanted to do something there. What would you like to see on this site?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I think the proposal that was previously in effect, there.

SUPERVISOR BREESE

The sixty-five (65) houses is fine with you?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I have no objection to that.

SUPERVISOR BREESE

I just wanted it on the Record.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay, I have no objection to that. As a matter of fact, when that subdivision did come before the Town Board, or the Planning Board, there was a peculiar little exception

parcel, at the corner, that got people very upset. That went to the Planning Board, spoke to the Planning Board, the Planning Board said, "hey, that's not right", sent the developer back and the developer came up with a more appropriate plan. No one opposed the development, it was just that one parcel of land that had people concerned because of the possibility of something other than residential housing going into that. I want to point out what are some of the potential problems. We have heard the discussion of traffic. Yes, there are two hundred (200) residential units here. Now, they are not all going to have houses and people in the central facility are probably not going to be driving very much, but I doubt very much whether there will actually be less traffic than will be generated by the sixty-five (65) houses. Particularly when you include visitors, service facilities, delivery trucks, etc. I think you are going to have about the same kind of traffic, if not indeed, perhaps a little higher traffic for the number of houses. Each of these villas is proposed to have a two (2) car garage, I should remind you. Now, maybe they will only have one (1) car, but they could have two (2). Now, if the houses are sold, we don't know how many cars they are going to have. So, any traffic projection that we have heard, so far, are at best speculative, and I would strongly recommend that a careful look be made, be taken at the traffic situation that will be generated. The current Horseshoe Lane and Peakview areas are already experiencing difficulties getting onto East Henrietta Road because of the development that has already occurred. This is going to increase the traffic, and we need to look at that very carefully. Second, location, and as they say in real estate, "location, location, location". One of the points that the Developer makes in the advertising for their existing Legacy villas and the other facilities, is that they say they are very close to banks, restaurants, groceries, and services. I've looked around. I don't see any banks, restaurants, groceries or services within a mile, at least, of the area. I'm not sure you want to place a senior citizen housing development in an area that is so far from the facilities that are needed to support the people who live in that area. That is going to cause everybody to have to be in their car, going to wherever they need to go. There are other locations in this Town, that I could think of, that are close to such facilities. But, this is way out in the boonies, I live there, so I can speak of it that way. So, I think there is a major problem with the location. A third concern I have has to do with this specific plan, and I'll get to the point, in just a moment. The layout here concerns me. Number one, the major structure is at the apex of that intersection. That's what you will see when you are approaching. If you think about the idea that each of those villas is going to be, to some extent, dependent on facilities and services provided in that central structure. Does it make sense to have that at the edge of the property as opposed to in the center of it?

SUPERVISOR BREESE

Well, that's a Planning Board issue.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

That's right, I'm just raising it as one of the concerns I have, leading to the point I will get to, thank you for your patience. I'd also be concerned about the fact that that is the structure that will be stuck up in the air when you approach it, as opposed to being nestled into the center of this facility, where it would be a much more balanced thing. Also, we

haven't heard a thing about how many parking spaces are being allotted to this. Could the Applicant tell us something about that?

SUPERVISOR BREESE

That's a Planning Board issue, too. Come to that meeting, will you?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay, I will. In fact, the point I wanted to make, and I'll finally get to it, as one of the points I wanted to make, is that before the Board acts on this I think this plan needs a careful review by the Planning Board, and I would strongly recommend that you refer this to the Planning Board for review of the traffic considerations, the implications of the location of this, and for the ... *(Pause)*

COUNCILMAN MULLIGAN

Parking.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I'm sorry...

COUNCILMAN MULLIGAN

Parking.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Parking, yes, thank you very much.

SUPERVISOR BREESE

You know that's not how it works. You are trying to reverse the order.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Well, can the Board...

SUPERVISOR BREESE

Doctor, let me finish. We are talking about "use". After "use" is approved or not approved it goes to the Planning Board for site plan, and that is what you are talking about, and you know how the system works.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I understand, but "use" also implies, affects the nature of the rezoning that you do to make that "use" possible, so before you make that decision, about rezoning, find out what the Planning Board thinks would be an appropriate layout for this thing.

SUPERVISOR BREESE

That is not how it works, and you know it.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
You could do it, if you wished.

SUPERVISOR BREESE
No, we don't reverse the order just to accommodate...

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
I'm sorry, I disagree with you on that, Mr. Breese.

SUPERVISOR BREESE
Okay.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
Another concern I have, it has already happened in this Town, that a senior citizen housing development was planned, proposed, started to be built, and the developer ran into tough times. I don't think that is likely to happen here, but who knows what's going to be, what the economy is going to be like a year or two from now. So, if you do go ahead with this rezoning, I would strongly recommend that there be a clear stipulation in there of a two (2) or three (3) year time limit so that the builder will be required to complete the Project within that period of time, or at least make serious headway on it, and if they do not it would then revert to the previous zoning. This is a protection for the Town.

SUPERVISOR BREESE
That is a good point. Can we do that, legally, Town Attorney? That's an interesting question.

DANIEL MASTRELLA, TOWN ATTORNEY
I will research that, and get back to you.

SUPERVISOR BREESE
Thank you, okay, that's a good point to bring up, thank you.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
One additional point, about the whole rezoning issue, a number of towns in this county have special zoning arrangements for senior citizen housing. The Town of Irondequoit has a category of R-7, which very carefully stipulates and specifies what exactly can go into a senior citizen housing development, it has restrictions on that. That protects the town, because once you make this rezoning decision, it is rezoned. If this Project, for some reason, didn't go through, you now have that rezoned for multiple resident developments. It doesn't have to be a senior citizen one.

SUPERVISOR BREESE
You can change it back.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Well, you could, but if you have a senior citizen zoning structure, and I could give you a blueprint for that, from the Town of Irondequoit, it is called R-7, and Brighton approved it under what they call a multiple residents senior, it is a separate category. So, I would strongly urge that be a part of this, the Behan rezoning process that is underway, that there be consideration given to the establishment of a senior housing zoning category that specifies what can go in there, what it should be like, and limits that property to only that kind of "use". I just want to take a moment to look at the points I noted, as a speaker were presenting his material. *(Pause)* Well, basically, what I'm saying is then that, I think this is a great idea. I have serious concerns about it's location. I can think of a location very close to banks, stores, etc, but it looks like we are going to have something else built there, so I'm not sure that's going to go. But, I think we should look carefully at where this kind of thing should be. We should welcome it into the Town but not rush to put it into the first piece of property that the developer has been able to acquire, in an R-1-20 zone. That is not the kind of thing that should go into that kind of property, and I strongly recommend, even though I understand you don't like that idea, Mr. Breese, that the Planning Board have a chance to look at this, before the Town proceeds with the rezoning. Thank you for your attention.

SUPERVISOR BREESE

Thank you. Yes, Mr. Rosen?

RICHARD ROSEN, A.I.A. ARCHITECT

There are some specific replies to some of Mr. Goldstein's points that I would like to make. Perhaps, if one just casually drove by, and didn't get out on your feet and walk around the projects that we've built, you might come to the incorrect conclusion that they don't abut residential property. The first one of the Legacy's that we built, Willow Pond in Penfield, on two (2) entire sides, the western boundary and the entire southern boundary, are all bounded by the backyards of homeowners, all of whom were very concerned about what was going to be built, and we took that into account, and various buffering, and trees, and open space and all, was provided. The same thing is true at Park Crescent, in Greece, if you recall when you visited there, behind the villas are existing single-family homes that came right up to the property line. So, simply driving by the front of the building does not give you an indication of what kind of a neighborhood it is in. The quotation that Mr. Goldstein made about shopping being, about proximately to shopping, banks etc., in other projects, they were written for the other communities. They were not written for this one. As a matter of fact, when we are not immediately proximed to convenient shopping, we have a little convenient store right off the lobby. We have a beauty parlor, which is staffed for the appropriate number of days during the week, to meet the needs of residents. We provide for the services, if they are not immediately available, and since the residents rarely get out in their car, anyway, they are serviced by transportation. We have a van that provides free, scheduled transportation to shopping, to medical campuses, and to entertainment, to many evening events, and to the senior center, if there is something worth doing. So, by providing group transportation, which does not overcrowd the highways, we make up for the fact that we don't want to be in a commercial area. By having a convenient store right off the lobby,

we allow someone to buy a carton of milk, etc., when they need to. So, that is an incorrect conclusion to look at the literature of other projects. Now, as to timing, this will be phased. That was a detail that I was going to keep for the Planning Board, because it is not really a Town Board matter, but all of these townhouses aren't proposed to be built now. They will be built over a period of time, actually, the site divides itself into three (3) convenient phases, and there will be a time schedule presented for those, and that kind of schedule can be incorporated into your Resolution, of course. Lastly, the mention of the Irondequoit R-7 Zoning Ordinance. Irondequoit wrote that Ordinance after our building was built, and they had a chance to study the room sizes, the units, the open space, the density, and all the other things they regulated. They regulated the project around our community, which was the first one they had in their town. So, we don't want to get that one backwards, either. Thank you.

SUPERVISOR BREESE

Thank you. Anybody else like to speak on this Application, before we adjourn? Somebody who hasn't spoken already, please.

RESIDENT

I have three (3) things I would like to say, what about sewers...

SUPERVISOR BREESE

I can't hear you, no, no, you have to give us your name and address, it's for the Record. I need your name and address.

BETTE JUNGE, 1522 ERIE STATION ROAD

Pardon me, oh, Bette Junge, and I live on Erie Station Road, right across the street. What about the sewers? Do you have enough sewers?

SUPERVISOR BREESE

Well, that is an issue that I think the Developer has to deal with, with our staff and Planning Board.

BETTE JUNGE, 1522 ERIE STATION ROAD

Do they have to put a pumping station there, or what?

SUPERVISOR BREESE

I don't, have you, Mr. Rosen can answer that, that's a good question.

RICHARD ROSEN, A.I.A. ARCHITECT

Ma'am, there is a fully approved tract for sixty-five (65) houses. Now, the amount of sewage that is generated by your typical family of four (4) people, it comes out pretty much the same...

BETTE JUNGE, 1522 ERIE STATION ROAD

Okay.

RICHARD ROSEN, A.I.A. ARCHITECT

...and maybe if there was a pump station provided for that plan, we may have to build one that's a little larger capacity, but basically, we have detention ponds located where the previous plan had located them. So, we are taking care of your impact on the storm drainage, and the water, and sewer, we have been told are adequate, we just have to size the facilities. Correct.

BETTE JUNGE, 1522 ERIE STATION ROAD

My second thing, I don't like the change in the zoning. I don't like that at all.

SUPERVISOR BREESE

You don't like senior citizen housing?

BETTE JUNGE, 1522 ERIE STATION ROAD

I think it should stay the same.

SUPERVISOR BREESE

Okay, you're entitled to your opinion.

BETTE JUNGE, 1522 ERIE STATION ROAD

And, the third thing, what ever happened to the houses you were going to build, across the street from us? Are you the one that was going to build the houses? (*Referring to Anthony DiMarzo*) Who?

ANTHONY DiMARZO, MARK IV CONSTRUCTION

(*From audience, I don't know what you are talking about*).

BETTE JUNGE, 1522 ERIE STATION ROAD

They were going to build houses, we saw the plans.

SUPERVISOR BREESE

Who?

COUNCILWOMAN ZINCK

The sixty-five (65) homes.

BETTE JUNGE, 1522 ERIE STATION ROAD

I don't know.

SUPERVISOR BREESE

That's already been approved.

COUNCILWOMAN ZINCK

Yes, but who was going to do that, she's asking.

SUPERVISOR BREESE

Well, they own the property. Mark IV owns the property where sixty-five (65) were approved.

BETTE JUNGE, 1522 ERIE STATION ROAD

Didn't we see plans of houses they were going to build (*speaking to her husband, in the audience*)?

(From audience, I think her question is, why are you changing from houses to this, why are you changing the original...)

SUPERVISOR BREESE

I'm sorry, you have to...

HENRY JUNGE, 1522 ERIE STATION ROAD

My name is Henry Junge, I live with my wife on Erie Station Road.

SUPERVISOR BREESE

Okay, that's fair, just for the Record, you asked a question and I will have the Developer answer the question. What's the question?

HENRY JUNGE, 1522 ERIE STATION ROAD

No, her question is, initially, and I have a plan at home that I copied from the Planning, not the Planning Board, but the layout board here at the Town, where they had homes designated to go in there.

SUPERVISOR BREESE

That's true, sixty-five (65) homes.

HENRY JUNGE, 1522 ERIE STATION ROAD

What happened to that?

SUPERVISOR BREESE

I think the Developer can answer that. I think that is a fair question. The Town has been emphasizing the need for senior housing, but the Developer made a decision that instead of going with sixty-five (65) single-family homes they prefer to go with a senior housing project, but I will let him explain why. Okay, Mr. DiMarzo.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

Your question is, why do we want to build senior community versus...

BETTE JUNGE, 1522 ERIE STATION ROAD

I think it is wonderful you want to build them, but I don't think you have to change our zoning laws so you can build them there, there are other places.

SUPERVISOR BREESE

That's the only way they can do it. That's the only way it can be done. You have to change the zoning.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

The unfortunate thing is, that the Town of Henrietta does not have land zoned for senior housing. So, in order for us to come before them with a senior development, we need to ask their permission...

BETTE JUNGE, 1522 ERIE STATION ROAD

You mean there is no other place to put them?

ANTHONY DiMARZO, MARK IV CONSTRUCTION

Oh, I don't know if there are any other places, I can tell you that we did look at several locations in the Town of Henrietta, and we're electing this location.

SUPERVISOR BREESE

Thank you.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

We feel that this is a very special location.

BETTE JUNGE, 1522 ERIE STATION ROAD

Yeah, and you wanted to put the buses there, too, and you turned it down...

SUPERVISOR BREESE

I don't know anything about buses...

BETTE JUNGE, 1522 ERIE STATION ROAD

Whoever did.

SUPERVISOR BREESE

...I had nothing to do with the buses, wasn't me, wasn't us. It was the School District.

BETTE JUNGE, 1522 ERIE STATION ROAD

Well, they wanted to put schoolbuses there.

SUPERVISOR BREESE

This is better than a bus station.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

No buses.

HENRY JUNGE, 1522 ERIE STATION ROAD

That was the School Board.

COUNCILWOMAN McCABE

That was the School Board, that's right.

SUPERVISOR BREESE

It wasn't us.

BETTE JUNGE, 1522 ERIE STATION ROAD

They wanted to put them across the street from us, it's the same place.

SUPERVISOR BREESE

Do you have another question?

BETTE JUNGE, 1522 ERIE STATION ROAD

That is all I wanted to say.

SUPERVISOR BREESE

Okay, thank you.

NANCY KNAB, 1533 ERIE STATION ROAD

Can I speak, briefly, since it is my house that it's going around? I will be brief, I promise. I'm Nancy Knab, I live at 1533 Erie Station Road, the house that this is all going to be surrounding. My first comment is, please, I'm begging you, don't rezone. I really don't want this rezoned. I would much rather see the houses go in than these townhouses go in. I have nothing against seniors, I just, if it was just strictly the senior living, just the one, I wouldn't have a problem with it, probably, I can't say definitely, but probably. But, all the other one hundred and four (104) townhouses that are going in, you can't tell me that only point five percent (.5%) of traffic is going to be there versus two (2) cars for the sixty-five (65) houses that are going to be going in there. If you're putting family members of the senior living, family members that can afford that type of living, both people are going to have to work, and there is going to be two (2) cars. So, there is going to be two hundred (200), roughly, at least, cars going in and out of there every morning, in the morning to get to work by nine o'clock. They mention the footage from Erie Station Road to the house and they mentioned it from Route 15A. How many feet from my row of pine trees is that first development?

RICHARD ROSEN, A.I.A. ARCHITECT

It is probably one hundred and twenty-five (125) feet, from your fence it is probably two hundred (200) feet from your house.

NANCY KNAB, 1533 ERIE STATION ROAD

From my fence, my fence is on the other side. *(Off microphone, inaudible - dialog between Nancy Knab and Richard Rosen, discussing the displayed drawing).*

SUPERVISOR BREESE

Okay, if it gets that far, that would be a Planning Board issue.

NANCY KNAB, 1533 ERIE STATION ROAD

Okay, where is the parking space going to be allotted for...

SUPERVISOR BREESE

That is a Planning Board issue.

NANCY KNAB, 1533 ERIE STATION ROAD

...Yeah, but he hasn't even left space out for it. He keeps saying that we have all this green space around here for it.

SUPERVISOR BREESE

Do you have enough parking, Mr. Rosen?

RICHARD ROSEN, A.I.A. ARCHITECT

The plan shows all of the parking spaces that would be built, yes.

NANCY KNAB, 1533 ERIE STATION ROAD

So, this little section right here (*referring to the displayed drawing*) these few little parking spots here, are going to be for all of the seniors living here.

RICHARD ROSEN, A.I.A. ARCHITECT

Yes, yes, you know, when we submit...

SUPERVISOR BREESE

Excuse me, let him finish, will you please.

RICHARD ROSEN, A.I.A. ARCHITECT

...When we submit, which Mr. Breese requested that we do, a supplement to the traffic and parking study, it will be based on the figures from the National Association of Senior Housing, prepared by a professional engineer, which gives the averages of what is required. That ninety-six (96) unit building will require, approximately, fifty-eight (58) parking spaces, perhaps sixty-two (62), to take care of staff, residents and visitors, and that's what we will provide, and that's what we have provided in the other communities. As a matter of fact, as part of the zoning approval in the other towns, we have some land banked spaces reserved in case they're needed. Nobody has ever asked us to improve the land bank. The parking that we improved, initially, was adequate. We will go through this with the Planning Board, and actually, the density of coverage on that ten (10) acre site on the corner is incredibly low, it is less than about five (5) or six (6) percent coverage. There's tons of open space and green space, and the green space we have shown there will be the green space.

SUPERVISOR BREESE

Thank you, Mr. Rosen. Anybody else? Yes, Sir.

ELLIS LAFLER, 1534 ERIE STATION ROAD

I am Mr. Ellis Lafler, I live on Erie Station Road, near East Henrietta Road. I support that green space plan for the land south of the Thruway, but please, please, do not allow the rezoning of the southwest corner of East Henrietta and Erie Station Roads from R-1-20 to R-2-15. That is just not acceptable. Do you people realize, how your, how that land is dropped down from R-1-20 down to R-2-15. I approve of the houses. I have nothing, I love it. They built them sixty-five (65) homes that you originally planned to build, I have no problem with that. I wish you people would consider that. Go back to that original plan, and I'm sure you are going to make the taxpayers, not only near Erie Station Road, but all over the Town of Henrietta, and I believe you can do that if you wanted. I realize these people, I know what the reason is, why they're doing this. So, I wish you people would consider, go back to the sixty (60), the houses, I would love it, that would make my property so much better, and everybody else's around that neighborhood. We have a housing development, down in back of us, that would improve their house, the price of their house, too, and everything. Even though they are not here to express their thoughts, I'm sure you would have no problem with, if you asked each and every household down there what they would want, I'm sure they would go along with the sixty-five (65) homes. I'd love that, that would make, it would, it would be good. I've lived in Henrietta here, lived in my home for...*(Switching to side three of tape)*...I thank you, very much, for listening to me.

SUPERVISOR BREESE

Thank you, Sir. Yes, Ma'am.

ELIZABETH NOCE, 1546 ERIE STATION ROAD

Hi, my name is Elizabeth Noce, and I live at 1546 Erie Station Road, and all of this just really turns me off. Across the street right now there's a lovely woods and fields, and it will be, as I say, part of my day is enjoying watching the deer come over to the back of my property. This should all be north of the Thruway, as far as I'm concerned. Now, they talk about ten (10) acres of green space down Erie Station, why can't that ten (10) acres start right on East Henrietta Road and go down? Why does everything have to be right in on Erie and East Henrietta Road. Give us a break. Leave us alone. You are taking away the last of the woods, and nothing should be built there, it should be left as it is, a national habitat for the wildlife and the deer. If Erie Station Road is so attractive, there's the Erie and Middle Road area, the Erie and West Henrietta Road area, and the Erie and the East River Road area. Again, the traffic is going to be enormous, and I think this will depreciate my house, really. There's lots more here, but I know everybody is anxious to leave. *(Laughter)* But anyway, once it's gone, my, the woods are gone, the wildlife are gone forever, and I really enjoy them. They have to live someplace. I don't know what is going to happen to the animals. But as I say, that ten (10) acres, I think should start at East Henrietta Road and come down. That would help out a lot of us that live there, and

north of the Thruway, or where, all that stuff there could go next to that new Wegmans, or instead of the new Wegmans, I don't care, just as long as it is not across the road from me. I look out my front window and it is a beautiful sight right now, woods and fields, and I will have to look at that instead. Thank you.

SUPERVISOR BREESE

Thank you. Anybody else, before we adjourn?

AHMET BECENE, 4 PULTENEY DRIVE

Very quickly, I'm Dr. Ahmet Becene, I live on Pulteney Drive. I completely understand that these gentlemen are in the business of making money. So, they purchased this property originally with the understanding that they were going to go with sixty-five (65) houses. So, now there is this rezoning thing coming on, which I'm against, for the Record, I would like to state that. I truly believe in the science, and the mathematics, and the statistics. So, if you are going to allow a hundred (100) and some townhouses to be sold freely, I don't understand how you can come up with statistics of point four (.4) or point five (.5) cars, per house, given that the houses are going to be one hundred and twenty five thousand dollars (\$125,000) and above, obviously those people are going to be able to afford cars. Since you are not going to control who lives in those houses, that is going to increase the traffic. So, those statistics look a little bit shaky to me, from the mathematics point of view. Other than that, it also looks to me as, this is not a senior living community, but it is a townhouse community. A senior living community is kind of lumped onto it, so that it sounds nicer, as far as the rezoning goes. I would like to make one point, also, I live right here (*referring to the displayed drawing*), I know that this is a Planning Board thing, but, last year I wanted to put a fence in my backyard, and I was told to put it within the sixty-five (65) feet of the legal limit, from the road, and I applied for a variance to put it in within fifty-five (55) feet, ten (10) feet longer so that I could enclose a nice tree in my backyard, and that variance was denied. So, I would like to ask you guys to have the same vigilance on this one, because this is a whole lot more than putting a little fence in the backyard. Completing rezoning, and completing changing the environment in this section of the Town. So, again, I'm all for having sixty-five (65) houses next door, having new neighbors, and etc., but changing the surroundings and going into a townhouse type setting, including "sales" and "rentals", and etc., I think it is going to do quite a bit of damage to our property values. So, I would like you to consider not to rezone, thank you.

SUPERVISOR BREESE

Thank you. Anybody Else?

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

Okay, I'm Steve Faggiano, I live at 1436 Erie Station Road. I bought that house four (4) years ago, yeah, it was four (4) years ago, you guys denied the school bus, across the street there.

SUPERVISOR BREESE

No, we had nothing to do with that.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

Well, okay, well...

COUNCILMAN MULLIGAN

They withdrew the Application.

SUPERVISOR BREESE

That was a School Board issue.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

...Anyway, I feel it would be a lot better for the community that I live in right now to have the same kind of community to go on the other side of the street, because I think if you put this up here, you are seeing one hundred and twenty-five thousand dollars (\$125,000) for a townhouse, I'm thinking that my property is going to go down anyway, because I don't think that that is going to be right. I would like to have you guys do a little more homework and show us that, what your rate is of people staying at this place, how many empty places, and how long does it take to fill up? What is your turn around, in these kind of communities? You are saying that the townhouses, there is no set income for (*inaudible*)...for the elderly home? It was awhile ago, I've been listening to everyone else in here. Is that true, or?

RICHARD ROSEN, A.I.A. ARCHITECT

No, we don't regulate incomes.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

Okay, you don't regulate the incomes. Now, the incomes that are going to be in there, are they going to be able to get government help, if they need it, to take care of their elderly mothers and fathers.

SUPERVISOR BREESE

Do you want to respond to that?

RICHARD ROSEN, A.I.A. ARCHITECT

When you become sixty-five (65), we all take advantage of medicare.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

Right, that's understandable. Okay, but I'm talking about the townhouses of the daughters, and the...

RICHARD ROSEN, A.I.A. ARCHITECT

No government assistance.

SUPERVISOR BREESE

There's no government assistance, he says.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

Well, I oppose it, I am totally against it. I'd like to see the sixty-five (65) houses go in there, for the community across from where I live. It's a great neighborhood, and I think it would be better for the same neighborhood to be on the opposite side of the road. Thank you.

SUPERVISOR BREESE

Thank you, Sir. Anybody else want to speak on this matter? Somebody who hasn't spoken, who hasn't spoken, yet.

NANCY KNAB, 1533 ERIE STATION ROAD

I just want to ask one question, There is going to be a problem with the snow plows...

SUPERVISOR BREESE

Wait a minute, you know, if you want to talk you have to come up to the mic.

NANCY KNAB, 1533 ERIE STATION ROAD

I just want to ask one, if I could say it without coming up here.

SUPERVISOR BREESE

No. You can, but you have to be on the Record, okay?

NANCY KNAB, 1533 ERIE STATION ROAD

Okay, I'm on the Record, who is going to plow the snow in there? Is it going to be the Town, who responsible for it, or is it going to be them?

SUPERVISOR BREESE

Well, Mr. DiMarzo, do you want to answer that question?

ANTHONY DiMARZO, MARK IV CONSTRUCTION

Mr. Rosen spoke to that, but I'll repeat. All of the roads in here (*referring to the displayed drawings*) will be dedicated roads, built to Town standards, and the Town will maintain it.

NANCY KNAB, 1533 ERIE STATION ROAD

The Town will maintain...

ANTHONY DiMARZO, MARK IV CONSTRUCTION

The taxes that are collected will offset their costs, and that is what we are proposing.

SUPERVISOR BREESE

Just as we would have done if the sixty-five (65) houses were built.

NANCY KNAB, 1533 ERIE STATION ROAD

Right, but if I remember correctly, you guys were having a problem with how, when the

housing development was going to go in, how the big snow plows were going to be turning around, and stuff, in there.

SUPERVISOR BREESE

No, no, they'll turn around.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

Plenty. Mr. Breese, I want to thank you for spending the time with us, tonight, and I know there are going to be a lot of questions, but you know, one of the things that I'd like to do tonight, is invite all of our neighbors to visit one of our Legacy's and we will make our representatives available to them, show them through the developments, and answer any questions that they may have, specifically.

SUPERVISOR BREESE

I think that is a very good idea.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

I'd be glad to do that, on our time.

SUPERVISOR BREESE

I'm sure some of these folks want to take you up on that, they can meet you after this meeting's over.

ANTHONY DiMARZO, MARK IV CONSTRUCTION

I want to thank you for your compliments, and thank the neighbors for their compliments. Thank you.

SUPERVISOR BREESE

Thank you very much. Anybody else before we adjourn?

DAVID MEINTEL, 28 PULTENEY DRIVE

I know I have spoken before, and I know you are trying to limit this, and I apologize for that, but out of curiosity, when is a decision going to be made on this Application?

SUPERVISOR BREESE

I don't know, it is up to the Board to decide.

DAVID MEINTEL, 28 PULTENEY DRIVE

Approximately? Is there going to be any additional Public Hearings on it?

SUPERVISOR BREESE

No, we have held one Public Hearing that we are required to do.

DAVID MEINTEL, 28 PULTENEY DRIVE

And, I think you have seen that the surrounding neighborhood is vehemently opposed to this type of development going in. I have yet to hear a single person, who's had an issue with the sixty-five (65) houses that are going in, but I hear a lot of people complaining about the proposed Applicant and their plan, here. I know this area has had a long history of contentious development opportunities, the last one I can certainly remember is the bus garage, and I know that had nothing to do with this particular Board, but I just want to strongly recommend to the Board, here, that you know, while this is a small gathering, and I know this was publicized at the limit of the Law, I have a sense that if everyone who is here right now is opposed to it, chances are there are a lot more people in that surrounding area who are opposed to it. The people in this area either built or bought houses with the understanding that what was going to be going in was going to be "like" housing. I understand that zoning can be changed, and I understand that a change of a zone is a very big decision on the part of a Board, but please take into consideration that the people in these areas moved there because they want to be in single-family, with children, and the like. It breaks the faith, I'm sorry, it does, and I am very disappointed and I will be disappointed, if this goes in. It is not what was intended for that area. It is not what the surrounding community wants. I have yet to hear anyone who says that they want it there, outside of the people who bought it, and it sounds like they bought it to initially put in sixty-five (65) units, and then did the economics, and came out with they could make a lot more money if they put in two hundred (200) units. Outside of them, who wants this? I have yet to hear anyone who wants it. Why are we considering it?

(Applause)

SUPERVISOR BREESE

Well, let me tell you something, I'll tell you why. Usually, people who are against something come out to these meetings. You know that, okay. We appreciate all of your comments, and we will consider them. The bottom line is, we will do what we think is best for the whole Town of Henrietta, the whole Town of Henrietta, which includes senior citizens, by the way.

DAVID MEINTEL, 28 PULTENEY DRIVE

It certainly does.

SUPERVISOR BREESE

Okay. Anybody else before we adjourn?

COUNCILWOMAN ZINCK

You've got two (2), three (3).

COUNCILMAN MULLIGAN

Three (3).

SUPERVISOR BREESE

No, people who haven't spoken, please.

COUNCILMAN MULLIGAN
Rachel, Mr. Schmitt.

COUNCILWOMAN ZINCK
John hasn't, Rachel hasn't.

SUPERVISOR BREESE
People who haven't spoken, come on, let's be fair.

JOHN SCHMITT, 66 FAWN RIDGE ROAD
John Schmitt, 66 Fawn Ridge Road, I lived in Henrietta since 1991. My question has to do with the actual act of rezoning, and this is more for my information. Once you make that change, do you limit the adjoining property from doing something different? Once you rezone from an R-1-20 to an R-1, whatever it changes to...

SUPERVISOR BREESE
Town Attorney, do you want to answer that?

DANIEL MASTRELLA, TOWN ATTORNEY
Each application has to be judged on it's own merits, by the same token, I understand what you are saying, you can't be arbitrary or capricious...

JOHN SCHMITT, 66 FAWN RIDGE ROAD
You gave it to them, why can't you give it to me.

DANIEL MASTRELLA, TOWN ATTORNEY
... in making the determination, but each application is judged on it's own merits, and the reasons for the approval or the denial are unique to each application. One can't be arbitrary, that's all.

JOHN SCHMITT, 66 FAWN RIDGE ROAD
My suggestion is, when the Behan report comes in, maybe it's a good time to combine these things, and really define what the area that we are talking about, the south of the Thruway area, for lack of a better term, right now. Really, well define that with the zoning and other items, so that you're not put in a position where you have to make an arbitrary decision, because somebody else says, "Well, you did it for them", that's my only point. Thank you very much.

SUPERVISOR BREESE
Thank you, Sir. Anybody else before we adjourn?

COUNCILWOMAN ZINCK
Rachel.

COUNCILMAN MULLIGAN

Rachel had her hand up.

SUPERVISOR BREESE

Wait a minute (*referring to a resident in the audience*), Ms. Warren, did you want to speak? Go ahead, because she hasn't spoken, and you have, okay?

RACHEL WARREN, 59 TOMAHAWK TRAIL

And you have missed me, right? (*Laughter*)

SUPERVISOR BREESE

I know what you are going to say.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Rachel Warren, 59 Tomahawk Trail. I bet I'm going to surprise you. I guess I'm concerned about the price that we are dealing with, prices we're dealing with in terms of "rental" and "purchase", because I'm not sure that senior citizens would be able to afford to sell their homes, or get as much for their older homes in order to transfer that money over into a new townhome, and that is my concern. I'm not sure that we are addressing what the real need for senior citizens is, in Henrietta, which is affordable senior housing. Thank you.

COUNCILMAN MULLIGAN

Good point.

ELIZABETH NOCE, 1546 ERIE STATION ROAD

I just want to emphasize something I said earlier. If that ten (10) acres of green space started at East Henrietta Road, down Erie, that would eliminate half of the problems that you have heard this evening. From myself, and my other neighbors. Thank you.

SUPERVISOR BREESE

Tony says it wouldn't, he's still against it. Okay, somebody else, okay, Mr. Rosen, go ahead. I'll call you again, Mr. Bixby, don't worry.

RICHARD ROSEN, A.I.A. ARCHITECT

The comment about, just before the last one, is very important, and that is the reason why we want to, although we are lotting all the houses, so through time, twenty (20) years from now, a hundred (100) years from now, they could all be sold. We want to reserve some for rental for exactly the reason that there are some seniors who will want to live here who won't have enough money, equity in their house, and enough savings, to be able to buy a new house at the price that houses have to cost now.

COUNCILMAN YUDELSON

Mr. Rosen, while you are up there, can I just ask you quickly, on the townhouses, forgive

me if it's in the information you've given me, I'm not finding it, what would be, on average, the square footage of the townhomes?

RICHARD ROSEN, A.I.A. ARCHITECT

The square footage will range in the, from twelve hundred (1,200) to fourteen hundred (1,400) square foot, eleven-fifty (1,150) to fourteen hundred (1,400).

COUNCILMAN YUDELSON

Okay, thank you.

SUPERVISOR BREESE

Somebody else want to speak, before I adjourn this? Mr. Bixby, yes.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

I have a question, it came up because of something you said. You mentioned that people would come there to get their hair cut, at some point in the facility. They would be able to dispense drugs, at some point, in the facility? I'm trying to figure out what was going on, in terms of, you're going to have these services available in that facility?

SUPERVISOR BREESE

If you want drugs you go down the road about a mile to CVS or Eckerds.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

No, I just wondered, because of what, something that...

RICHARD ROSEN, A.I.A. ARCHITECT

(From audience) I could clarify that.

SUPERVISOR BREESE

Yes, why don't you clarify that.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

...Yes, would you clarify it.

RICHARD ROSEN, A.I.A. ARCHITECT

No, we will not have a drugstore. This is not a health facility, it's a residence. For the convenience of frail, elderly residents, we always construct a beauty parlor, and we have someone come in who does haircuts, and beauty parlor services. We have a convenience store, for the same reason that if you can hop into your car easily and go to the 7-11, they can't. And then, for other uses, we have scheduled transportation by van, which does not crowd the highways, and the residents will go to Wegmans, if they want, and we will be driving them there.

SUPERVISOR BREESE

Thank you.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

So, you are going to restrict that to the residents, you are not going to have other people coming in for those services, is that correct?

RICHARD ROSEN, A.I.A. ARCHITECT

(From audience) Oh, of course not, only for residents.

SUPERVISOR BREESE

He said, "Of course not".

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

Okay, very good.

SUPERVISOR BREESE

Anybody else, before we end this, oh sure, let's get your last shot in, okay. *(Laughter)*

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Good evening, again. Sir, I don't wish to get into a debate with Mr. Rosen, but I think the point I made that none of the existing facilities is in an area that is comparable to the R-1-20 zoned area, surrounding this particular facility. I just want to clarify a couple of points I made earlier. When I asked that question about whether or not the Applicant realized that the property under consideration was not zoned for this kind of facility, I was thinking, in particular, of the Application that was submitted by the Applicant. In Section "C", Zoning and Planning Information, is the question, "Is the proposed action consistent with the recommended uses in an adopted local land use plans?" The answer to that was "yes". Now, I believe that is an incorrect response. This is not consistent with adopted local land use plans, this would require a change. So, I just wanted to make sure, for the Record, that error in that submission was corrected. Finally, I just wanted to, once again, say that I think the concern about the precedent that will be set by this sort of rezoning can be mitigated by having a specifically designated senior citizens zoning. That way, the property next door does not have to right to say, "Well, you're R-2-15, we are now entitled to R-2-15". If this is a senior citizen zoned area, then the person next door is an R-1-20 and that's what it is going to stay. So, I really would urge the Board to consider that idea. It is not that difficult of a concept to communicate, and I'm sure you understand it. There are precedents in other towns, and the fact that it was developed according to Mr. Rosen, on the basis of the existing facility that was developed in Irondequoit, that's fine. I mean, they used a very good model there. I have no problem with that. We should do the same, so that the Town is protected against the precedent setting nature of this kind of rezoning, and thank you, again.

SUPERVISOR BREESE

Anybody else?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

One other thing, *(Laughter)* I was not saying that there was anything misleading about the

statement in here, "that it is very close to banks, restaurants, and groceries". This would not be, that was my problem. I think this kind of facility should be close to groceries, banks, and other facilities, and that is why I don't think it should be in this location. Thank you.

SUPERVISOR BREESE

Thank you, Dr. Goldstein. Yes, Sir.

DAVID MEINTEL, 28 PULTENEY DRIVE

I'm sorry. How many staff members are there in the facility?

SUPERVISOR BREESE

What facility?

DAVID MEINTEL, 28 PULTENEY DRIVE

On this facility? We hear a lot about services that are going to be provided, do we have a...

SUPERVISOR BREESE

I don't know, Mr. Rosen, somebody answer that.

RICHARD ROSEN, A.I.A. ARCHITECT

They of course work shifts, and the night shift has only a few people on it. At it's peak, there will be as many as, about twenty-one (21) to twenty-five (25) staff people, including kitchen help, and the cleaning people, and aids, and the health related, people who come in from the home health agency, to help people with their medical needs.

COUNCILMAN MULLIGAN

You have people mowing grass?

RICHARD ROSEN, A.I.A. ARCHITECT

Well, that would be done by our corporation, they don't..., but I think twenty-five (25) is a good working number for the peak daytime shift.

SUPERVISOR BREESE

Thank you.

DAVID MEINTEL, 28 PULTENEY DRIVE

I guess my point is, to the rezoning issue of this, the sixty-five (65) homes versus this facility, factoring in the traffic and the volume of people in and out of this facility, I can't believe it is less than what the sixty-five (65) homes would generate. Thank you.

SUPERVISOR BREESE

Somebody brought up the Lehigh Station Road Project, and that Project, which is not going forward, but one of the reasons the Town Board approved that Project was we felt a

real need for senior housing in this community. So, we approved the Project on Lehigh Station Road, which has not been finished, which we hope will still be finished, at some point, because we are strongly for senior housing. That is a big priority for this Town Board, and that certainly factors into any decision we make on an Application like this, or other applications for senior housing. We think it is our responsibility to provide senior housing in this community. I'm speaking, that's my opinion, and I recognize that some people don't agree with it, don't want it around their neighborhood, but we feel an obligation to provide senior housing, in a suitable way, in this Town. That is my opinion, and I think most of the Board members agree with that. Is there anybody else? Yes, Mr. Rosen.

RICHARD ROSEN, A.I.A. ARCHITECT

I have a feeling, from this gentleman's question about traffic, that there might be a little misunderstanding. I hope I spoke very clearly in saying that I was only quoting numbers for the peak commuting hours, because that's what matters, and the fact remains, that even in our established townhouse communities, such as Edgewood Estates, when people are primarily in their fifties (50's), sixties (60's), even if they're still working, they don't necessarily go at the peak commuting hours that younger people do. The statistics that we use, which will be submitted to the Town Board, in a supplement to the existing traffic report, are based on national standards, and average daily traffic, spread out over the different shifts of employees coming and service providers, etc., of course it will be higher, because there are a total of two hundred (200) units there, but that doesn't matter. That doesn't affect your road system, that doesn't affect the comfort level of living there, and the frustration of trying to get out to work in the morning, if you live there already. The statistics are in our favor, in terms of what happens during the peak hour, but that takes the detail of a statistical analysis, and we will be submitting that to you.

SUPERVISOR BREESE

Thank you very much. We would like to see those as soon as possible. I'm going to adjourn this Public Hearing.

COUNCILMAN MULLIGAN

Just one thing, Mr. Supervisor, for the gentleman that asked when it would be Voted on, if you call the Town Clerk's Office, Mrs. Shaffer, she'll let you know when it appears on the Agenda again.

SUPERVISOR BREESE

That's right.

DAVID MEINTEL, 28 PULTENEY DRIVE

(From audience) Thank you.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

Can I say one thing? Can I just say one thing, prior?

SUPERVISOR BREESE

I just adjourned the Hearing. You want to come up, again? Come on back, come on back.

Okay, I don't want to shut anybody off.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

You stated that, how you were for the senior citizens, and all that.

SUPERVISOR BREESE

Yes, that's right.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

Okay, yes, you are right, we do need it, but let's start something, or let' finish something we have already started. So, let's go to the Lehigh Station Road and put one there, I mean, he's got the money. Maybe he can buy the land and finish it for us, okay?

SUPERVISOR BREESE

Okay, fine. Thank you, sure.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

I mean, I think this is wrong to rezone that area.

SUPERVISOR BREESE

So, he should finish that off instead of doing this one.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

Well, it's not his fault that, it has nothing to do with him, but maybe you should finish something you started already.

SUPERVISOR BREESE

It has nothing to do with this Application, but thank you for your comment.

STEVEN FAGGIANO, 1436 ERIE STATION ROAD

Yeah, well, thank you.

SUPERVISOR BREESE

I'm adjourning this Public Hearing. Now, may I have the first Resolution on the regular Agenda, please?

RESOLUTION #11-135/2005

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 5/18/2005
\$ 208,157.29

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 #11-137/2005

On Motion of

Seconded by

Councilwoman Zinck

Councilman Yudelson

WHEREAS, the Owner, K & R Henrietta, LLC, has constructed an addition for the BJ's Wholesale Club building at 400 Jay Scutti Boulevard, and

WHEREAS, in order to construct said Project, relocation of a watermain around the building had to be constructed on said parcel being identified as Tax Identification Number 161.08-1-15.11, and

WHEREAS, the Owner has secured and provided a watermain easement for the watermain to enable the dedication to the Monroe County Water Authority, and

WHEREAS, the existing 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 #11-138/2005

On Motion of

Councilman Yudelson

Seconded by

Councilman Mulligan

WHEREAS, LeFrois Development, LLC, the Developer of Calkins Road Professional Business Park Subdivision, Section 3 (located between Lehigh Station Road and Methodist Hill Drive and west of Interstate I-390) has submitted an Engineer's Estimate for construction of all site improvements for said subdivision section, and

WHEREAS, the Director of Engineering and Planning has reviewed the estimate prepared by MRB Group, P.C., and has found it acceptable in amount and form, and

WHEREAS, the Town Board wishes to ensure proper and complete installation of all site improvements required by the Town.

THEREFORE, BE IT RESOLVED, that the Developer, LeFrois Development, LLC, submit a Letter of Credit in favor of the Town in the amount of \$924,770.00.

BE IT FURTHER RESOLVED, that the Letter of Credit be in a form acceptable to the Town Attorney.

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 #11-139/2005

On Motion of

Councilman Mulligan

Seconded by

Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

- | | |
|--------------------|---|
| Jamie Lee Rondeau | Recreation, Part-time Recreation Assistant @ \$6.25/hr., effective 5/15/2005. |
| Robert Frustaci | Animal Control, Temp/Seasonal Laborer @ \$7.75/hr., effective 6/1/2005. |
| Christine Syracuse | Building/Code Enforcement, Part-time Seasonal Laborer @ \$12.00/hr., effective 5/23/2005. |
| Gregory Schultz | Parks and Facilities, Temp/Seasonal @ \$7.50/hr., effective 5/17/2005. |

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

- | | |
|----------------|---|
| Jennifer Perry | Animal Control, Temp/Seasonal Animal Control Officer @ \$9.49/hr. from Part-time Animal Control Officer @ \$8.49/hr., effective 6/1/2005. |
|----------------|---|

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

SUPERVISOR BREESE

That's the end of the regular meeting. Before we adjourn, is there somebody that would like to speak on any other matters, involving the Town of Henrietta?

COUNCILMAN YUDELSON

I move we adjourn.

AHMET BECENE, 4 PULTENEY DRIVE

I just have a very quick question.

SUPERVISOR BREESE

It is not on the same subject we already...

AHMET BECENE, 4 PULTENEY DRIVE

No, no, it's a totally different subject. Is there, forgive my ignorance, but the Supervisor of the Town, isn't that an elected official? Are you an elected...

COUNCILMAN MULLIGAN

Elected position, every two (2) years.

SUPERVISOR BREESE

What are you talking about?

AHMET BECENE, 4 PULTENEY DRIVE

I was asking if your position was an elected position.

SUPERVISOR BREESE

Yes, I am, every two (2) years, yes.

AHMET BECENE, 4 PULTENEY DRIVE

You are actually working for us?

SUPERVISOR BREESE

That's right, Sir, yes.

AHMET BECENE, 4 PULTENEY DRIVE

I am kind of perplexed by that because...

SUPERVISOR BREESE

Are you really, why don't you "run" against me then?

AHMET BECENE, 4 PULTENEY DRIVE

No, no, no, no, no. It is just that the few people that have come and talked over here tonight, you have been very rude to them, I think you should apologize. You have been very rude to them.

SUPERVISOR BREESE

That's your opinion, and thanks for coming, and come again sometime.

AHMET BECENE, 4 PULTENEY DRIVE

It's a free country.

SUPERVISOR BREESE

Is there a Second?

COUNCILWOMAN McCABE

Second.

SUPERVISOR BREESE

No objection? Meeting adjourned.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 10:20 P.M. and passed unanimously.

Respectfully submitted,

Patricia Shaffer

Town Clerk/Receiver of Taxes