

**HENRIETTA TOWN BOARD  
AGENDA  
June 1, 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 18, 2005
6. Miscellaneous Communications
7. Public Hearing:
  - Proposed Rezoning of Land located on Calkins Road, Wegmans Food Markets, Inc., to rezone approximately fourteen point four (14.4) acres of land from Residential R-1-15 to Commercial B-1, to include a Special Use Permit for a Height Variance for a Proposed Clock Tower
8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
9. Reports of Standing Committees and Actions Thereon
10. Reports of Special Committees
11. Public Comment
12. Adjournment

RESOLUTION #12-140/2005  
Authorize Accounts Payable

RESOLUTION #12-141/2005  
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #12-142/2005  
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 1<sup>ST</sup> DAY OF JUNE, 2005 AT 8:00 P.M.

**MEMBERS PRESENT**

**MEMBERS ABSENT**

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

**SUPERVISOR BREESE**

May I have the approval of the Minutes, please.

**COUNCILWOMAN McCABE**

Mr. Supervisor, I move we approve the Minutes of May 18, 2005.

**COUNCILMAN YUDELSON**

Second.

**SUPERVISOR BREESE**

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

**SUPERVISOR BREESE**

We have a Public Hearing tonight on the proposed rezoning of land located on Calkins Road for Wegmans Food Markets to rezone approximately 14.4 acres of land from Residential R-1-15 to Commercial B-1, to include a Special Use Permit for a height variance for a proposed clock tower. Has this been properly advertised?

**PATRICIA SHAFFER, TOWN CLERK**

Yes, Sir.

**SUPERVISOR BREESE**

Do you have any communications that you want to refer to before we start?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir. Thank you. I actually have two (2) this evening, the first one being a Petition that was filed here at the Town Hall yesterday, May 31<sup>ST</sup>. Basically, the Petition states that, AWe, the undersigned, favor the proposed rezoning to allow Wegmans to construct a new store on their property on Calkins Road,@ and it was signed by over forty (40) individuals.

SUPERVISOR BREESE

Who submitted that?

PATRICIA SHAFFER, TOWN CLERK

That was submitted by James and Virginia Duffy of Cape Cod Way. The second item, Sir, I=d like to read into the Record is a letter written from the Planning Board Chairman, Mr. Peter Minotti, it is dated May 25<sup>TH</sup> of this year, with regard to the rezoning request for Calkins Road, basically the Planning Board members, after having met on May 24<sup>TH</sup> at their regular Planning Board meeting, have voted unanimously and concur that the Town Board should serve as Lead Agency under SEQRA and that the Planning Board had no objections with regard to the rezoning request made by Wegmans Food Markets, Inc.

SUPERVISOR BREESE

Thank you. What I=d like to do now is begin the Public Hearing with a presentation from the Wegmans people. I=d like to ask you to step up here, whoever is going to represent Wegmans, and give us a summary of your Application. Give us your name, for the Record, and a summary of what it is you=re requesting from the Town and the differences between this Application and previous applications.

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Good evening, Mr. Chairman, members of the Board. My name is Art Pires with Wegmans Food Markets, and should it please the Board, I>ll give a brief overview of this current rezoning Application, along with the Special Use Permit, and speak briefly to the differences between the 2003 Application and the 2005, the current Application. The key points, and it=s noted on the chart below the two (2) site plans there, I=ll walk through that as I walk through the sites, but in general, we=re talking about a reduction in intensity of use between 2003 and 2005, the amount of acreage to be rezoned, the green space, we=re going to talk about a new rear access to the site to the fairgrounds, East Henrietta Road, as well as an additional site improvement off our site, actually, that is a result of conversations with the Town. So, let me begin, if I might, just pointing out the key differences (*Referring to displayed drawings*). Looking at the two (2) plans on the right here, we have the 2005 Application. The 2003 is on the left. We=ll talk about the clock tower and the elevation, which is down here on the left. 2003, once again, we had the senior housing, we had two (2) five thousand (5,000) square foot retail and the food market of a hundred thirty thousand (130,000). What we=ve done in response to the comments of the Town Board, as well as members of the community during the 2003 rezoning Application, is we=ve reduced the intensity of use. So, going from the left site plan to the right, which is currently 2005, you can see there=s no longer a senior housing facility,

number one. Number two, we removed the second retail, so we only have one (1) retail up at the northeast corner of our site. Secondly, as far as, so, that=s the reduction in intensity of use. In terms of reduction in the acreage, we had in 2003, we were rezoning a section of the parcel from R-1-15 to R-2-15 to accommodate the senior living housing. That no longer exists here on the 2005 Application. We=re maintaining this area of the site, the western end, if you will, as R-1-15 today, but we=ll certainly reserve the right in the future, if it ever becomes a possibility and a probability, to come back to the Board for permitted uses and rezoning. Secondly, once again, the 2005 Application now shows the rezone from R-1-15 to B-1 Commercial at this polygon, as I=m tracing around here with the highlighter, and the Board has black and white copies with highlights of these rezoning lines. 2003, again as general reference, this was to be rezoned from R-1-15 to R-2-15. That=s not part of the 2005. Secondly, I will trace the outline here on the 2003 Application, that was the R-1-15 that was to be rezoned to B-1. So, dramatic reduction in the acreage to be rezoned, from 17.1 to 14.4. As far as green space, with that, you can see substantial reduction from 2003 to 2005 in the amount of pavement on this Application. We talked also with Board members along the way, heard comments from the citizens along the way, and we have provided a rear access driveway at the southeast corner of our parcel. With the thirty (30) acre purchase of this property, we have secured an easement over fairground lands to provide or allow for a driveway over those lands to the existing roadway which leads out to East Henrietta Road, and Wegmans is committed to that driveway. With that also, we=re committed to the installation of a signal at the intersection of East Henrietta Road and the fairground driveway should it be permitted by the New York State Department of Transportation, as well as, everyone knows that, being a State Road, we have to go through formal review process with the New York State Department of Transportation. Should that be permitted, Wegmans is willing and will install that signal on the condition, however, that we do not lose the signal that we are proposing on Calkins Road and the intersection of Beaconsfield, which is critical, we feel, not only for our Application, but also for the community and all residents that are north in that subdivision. So, we are committed to both of those signals, should they be permitted by the governing agencies. Last but not least, one step further beyond standard design and standard development requirements on an Application, hearing comments of the Town, both the Board and the citizens, Wegmans is committed to installing sidewalks in front of Wegmans, trees, as well as ornamental street lighting on our side of the road along our frontage and beyond. We=re proposing to this Board and are committed to extending those sidewalks from our westerly line down Calkins Road to the west to the Senior Center driveway. I think it=s approximately seventeen hundred (1,700) or eighteen hundred (1,800) linear feet, additional sidewalks, trees and ornamental lights for that. That summarizes the site plan and the key points of this current Application. Once again, reduction in intensity of use and acreage to be rezoned, increased green space, driveway access to East Henrietta through the southeast corner of our property, signal on East Henrietta Road, signal on Calkins Road, as well as the eighteen hundred (1,800) linear foot plus or minus down to the Senior Center driveway. As far as the clock tower we=re proposing, as you can see here, this is the elevation that we are proposing. It=s the village-theme concept. It=s our prototype. You=ve probably heard about us in the national, as well as the local news down in Virginia, New Jersey, etcetera, Pennsylvania, and we=re trying to bring the key village elegance, the marketplace

atmosphere of the interior out to the facade, and this is a key element that we have been very successful in bringing to newer markets, and we'd like to bring it to Henrietta. The clock tower is the Special Use Permit in question that shows a seventy-seven (77) foot height to the peak of the roof. I trust all can see that's very much in scale with the scope of the building. It's certainly an architectural enhancement, and that's considering the fact that this building is approximately four hundred and fifteen (415) foot setback from the right-of-way, very much in scale with the property, as well as the building itself. That summarizes it. I'd be glad to address any comments from the Board.

SUPERVISOR BREESE

The extension of sidewalks that you referred to up to the Senior Center was something that came about as a result of discussions you had with Town Board members, isn't that correct?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

That's correct.

SUPERVISOR BREESE

About enhancements that the Town Board feels would be appropriate to the park and that area? So, this is a result of a discussion you had with Town Board members?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

That's correct.

SUPERVISOR BREESE

The senior facility, did you lose that deal? Is that what happened on that when . . .

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Since the application, because we'd be, the proprietor could not commit until we had approval, it was denied, and since that time we have not had further conversations with them. Not real interested at this point.

SUPERVISOR BREESE

You mentioned, I thought I heard you say, you reduced the size of the rezoning from, you said seventeen (17) acres to fourteen (14)? It was more than seventeen (17) originally.

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

That's correct.

SUPERVISOR BREESE

Maybe I didn't hear you right.

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

We had, when you consider the fact that you had the rezone of the acreage from the R-1 to the R-2 for the senior housing, that's the other ten (10) acres.

SUPERVISOR BREESE

So the application two (2) years ago was for twenty-seven (27) acres?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

That=s correct.

SUPERVISOR BREESE

You said fourteen (14), approximately?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

That=s correct, as far as going from R-1-15 to B-1, and there is that distinction, correct.

SUPERVISOR BREESE

Okay. Before I open it up to the public, are there any questions from the Board members?

COUNCILMAN MULLIGAN

I=ve got a couple.

SUPERVISOR BREESE

Okay.

COUNCILMAN MULLIGAN

Number one, if you=re successful, Art, you know, with this proposal, what would the plan be for the empty building?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

We would work with the Town on that. We have no definite plans. Our standard process in real estate is to attempt to lease it out either to a single tenant, or multiple tenants, depending, but we can=t go through those negotiations with any potential tenants until we get through approvals. We would certainly work through that. We have had a very high success rate, very high success rental rate on all of our properties.

COUNCILMAN MULLIGAN

With the new road and the possibility of a signal light, will the parking with the Dome Center be co-mingled now, or will they remain separate?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Separate and distinct.

COUNCILMAN MULLIGAN

How do you do that?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Well, once again, this driveway coming off East Henrietta Road comes due west up into us.

We are not at all connected with the parking of the fair, which would be somewhere in this location (*referring to displayed drawings*). We don't know their future, the specifics of their future plan, but it would be separate and distinct parking.

COUNCILMAN MULLIGAN

And finally, how many feet is it between the, approximately, the edge of parking on your west border to the Memorial Park?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Once again, I think that's approximately eight hundred (800) linear feet.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

Anybody else?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Well, to the Senior Center, and I think actually, that's another four hundred (400) feet back.

So, I could be wrong. I'll have to confirm that. But from our westerly property line down to the Senior Center driveway is eight hundred (800) linear feet, and I think backing up, may be four hundred (400) feet to the Memorial driveway, which is the park driveway. I think it's about four hundred (400) feet.

SUPERVISOR BREESE

Is there another Board member with a question before I open it up to the public?

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, could you tell me, I noticed that you did take off the second smaller store on the east side of the plan. You want that part rezoned as well to commercial?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Correct.

COUNCILWOMAN McCABE

Do you have any intention of building something there in the future?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

No, we don't. This is our current plan, and quite frankly, it made sense as we took this line, we just extended it due east, intersected with the existing zoning line. This is the existing zoning line that shows to the right, B-1, and that's not why we're not rezoning, and on the left is the area rezoned. This, we are committed to this plan.

COUNCILWOMAN McCABE

I just have one more question. The property to the west, which was where the residential, or the senior housing was supposed to be from the last drawing. What are your intentions, what intentions do you have with that in the future? You did say something about coming back to us for possible rezoning of that piece of property, which means, to me, you may have thoughts in mind about it now.

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

We have no thoughts in mind. What I was trying to make clear for the sake of the Board and the citizens is that the current Application speaks specifically to this rezoned area, that this remains today R-1-15. However, as with any application, that doesn't preclude them from coming in the future for a rezone or development of that area. We have no current plans for this Application.

COUNCILWOMAN McCABE

I have one more. You mentioned the (*inaudible*) what the Fair Association plans were for their property. I think one of the concerns is the traffic that's going to be generated not only by your facility that you're proposing, but the Fair Association's plan includes, I mean, they do have fairs a couple of times a year, but they do have heavy, you know, the recreational vehicle shows and that kind of thing, and I think people are kind of concerned about the traffic, and I noticed that your traffic study to us did not include what their plans might be.

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Right.

COUNCILWOMAN McCABE

I think that's a concern here, that there's going to be a combination of the two, that's going to be very, very heavy. (*Inaudible*) . . . address that.

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

I certainly appreciate the concerns that are expressed by the Board, as well as citizens, that we've heard that from along the way. Number one, that this Application has been reviewed by the New York State Department of Transportation, the County Department of Transportation, and included in the submittal of this package, they basically signed off on our relatively minor mitigations. The left turn lanes coming into the site, as well, on Calkins Road, as well as southbound right turn lane coming from East Henrietta Road. So the bottom line is, it's very nominal mitigation which we're incorporating from the governing agencies over these road networks. Specifically to the Fair, we don't have specific numbers on them. However, their events are so off-peak, if you will, from the industry standards for commercial developments such as ourselves, there may be times where there's heavy traffic at the same time that we have traffic on our site. However, that's no different than when you have Christmas, Thanksgiving holiday events for all commercials across the United States, that you do not design to those anomalies, and that's in fact, what we will have here, because there are no specific schedules; they're more random events for the Fair that cannot really be programmed into a traffic analysis. The key point

that the D.O.T. and County are comfortable gives support for this Application.

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, a couple of different questions. One of the concerns when we did our Master Plan, Art, and some of the discussions that we've had, are that our Town is lacking anyplace with a village feel, and I understand a lot of the changes that you've done you've been addressing that situation for us, with the sidewalks going up to the Senior Center, the landscaping. My first question is, the section that's to the west of your store, the portion that you are no longer rezoning, is that going to be landscaped so there's a nice transition into our park area? What are the plans for that section?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Yes, we will. This frontage here of green space will be approximately, from Calkins Road back to our edge of parking, will be approximately one hundred and fifteen (115) to a hundred and twenty (120) lineal feet of green space. Added with that, there will be two (2) to three (3) feet berming, and on top of that berming, a fine selection of landscaping materials, and we will carry that element, which we're proposing immediately in front of our development along the front of the, (*inaudible*) of our property to the west, but beyond proposed development (*inaudible*) in front and around the area of the storm water detention basin, which is shown in blue right there. So, yes, we will carry our landscaping theme and our green space along our entire frontage.

COUNCILWOMAN ZINCK

Okay. Now, to that same question, you now are talking about an entrance on the East Henrietta Road section, and obviously, we would like to carry that same sidewalk, ornamental feel onto that section as well.

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Right.

COUNCILWOMAN ZINCK

Do you have any plans, or is that something you would contemplate helping the Town with?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

We have had discussions about, with the Town, about consideration of work along East Henrietta Road. Our first reaction, obviously, is our Application is on Calkins Road. We really do not have any frontage on East Henrietta Road. However, once again, taking an additional mile in working with the Town, being a very good business neighbor, we will work with the Town in looking at possibly a donation of some sort to cover whether you would do a study on East Henrietta Road or in-fill with trees, landscaping, whatever you think may be appropriate on East Henrietta Road. We'll certainly sit with the Board and talk about all considerations along East Henrietta Road. Really, more of a donation to the Town to work, once again, with a study to enhance East Henrietta Road, or in-fill with other landscaping elements. We'll certainly work with the Board on that.

#### COUNCILMAN YUDELSON

Through you, Mr. Supervisor, just to kind of follow up on Councilwoman Zinck=s questions, on that East Henrietta Road, I think we have an opportunity here, and we both, both Councilwoman Zinck and I, have talked to you about what we think of it as a bigger concept, the chance to enhance East Henrietta Road. The Town Center concept that was called for in the Master Plan calls for a blend of commercial and recreational and residential uses, which is more present on East Henrietta Road than it is on Calkins Road, and just, I think it=s an opportune time with your Project being before us, the work the Fair Association=s doing with their Master Plan, to just have that conversation and we just invite you to be part of that conversation. The only other comment I want to make, Mr. Supervisor, is, as you know, I voted for the Application in 2003, but I just wanted to say that I thought the reduced amount of land that you=re asking for to be rezoned at this time and the access on East Henrietta Road, which we all, you know, talked about at the time you were here two (2) years ago, improves the Application. Thanks.

#### ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Thank you.

#### SUPERVISOR BREESE

Okay. What I=d like to do now is open it up to the public. I=m going to call people off of the sign-in sheet, and what I=d like you to do, when I call your name, to please come up to the microphone, for the Record, give your name and address, and try to be as precise as you can on this issue. I want everybody who signed up to be able to speak. So, no matter how long we have to stay, I want to make sure everybody who signed this will be able to speak. What I=ll do is where you have questions, I=ll ask Mr. Pires to write them down and then every third or fourth speaker I=ll ask him to respond to that bunch of speakers so he won=t have to get up every single minute, but I want a response to every question that=s asked by a speaker, Mr. Pires. Okay? Thank you. All right. Let=s get started. John R. Gaffney?

#### JOHN R. GAFFNEY, 809 RUSH-HENRIETTA TOWN LINE ROAD

Thank you, Supervisor Breese. I think the Wegmans would be a great asset to the community, not only to the Town of Henrietta, but the Town of Rush and surrounding towns. The location is very good. The exit on Calkins Road is going to improve the traffic coming out of the tract across the road. As former Director of Transportation here in the school district, we had a lot of trouble, and they still do, getting the buses out of Beaconsfield onto Calkins Road to go east. So, that=s one of the improvements there. The Wegmans company is the number one (1) company to work for. It will add employment, it will add to the tax base, and it is greatly needed. The East Henrietta Road store, I=m sure, isn=t going to last much longer. They hate to put any more improvements into it, I know, and the one on Marketplace is not up to speed with the rest of the Wegmans around the county. If you go to these stores around the county, they=re well-landscaped and they take care of their property wonderfully. You never go into their parking lots all covered with debris or anything like that. It=s just a great company. A nice company to

work for, being number one (1) in the country to work for says something, and for this Town to have the

opportunity at this time to approve this in our Town, in our community, it will be wonderful. Thank you.

SUPERVISOR BREESE

Thank you. For the Record, Mr. Gaffney=s address is 809 Rush-Henrietta Town Line Road.

JOHN R. GAFFNEY, 809 RUSH-HENRIETTA TOWN LINE ROAD

West Henrietta, New York.

SUPERVISOR BREESE

West Henrietta. Thank you, Sir. James McGovern?

JAMES McGOVERN, 95 BEDFORDSHIRE DRIVE

My name is James McGovern. I live at 95 Bedfordshire Drive. Both my wife and I have sent e-mails to all members of the Board in support of this zoning change. One of the things we want to point out is that many of our neighbors and friends travel down East Henrietta Road or across Calkins Road to access the Hylan Drive store. We think that there would probably be a net reduction in traffic if people were going to the store where it is proposed now. Secondly, in this day and age, I don=t see how you could possibly turn down an addition like this to the tax rolls. I think that=s a pretty important consideration. And, one question I do have is, I didn=t hear the representative for Wegmans talk about the net increase in jobs, both part-time and full-time. I=d like to have that mentioned. Thank you very much.

SUPERVISOR BREESE

Thank you, Sir. Pat Tyrrell?

PAT TYRRELL, 21 PAULINE CIRCLE

Thank you for the opportunity to address this body. I=ve been a resident in Henrietta for almost forty (40) years. My parents are still here and alive, and we=ve heard a lot of talk about zoning and traffic and landscaping, but I=m talking about the personal toll this store would have. I am the daughter of two (2) eighty (80) year-old parents, and they have been able to maintain their dignity and their independence because of this small store in Henrietta. It=s quite obvious that if the money-maker, and the reason it=s a money-maker is the people who can manage that store go there. I have had people tell me they=ve driven from Penfield and Pittsford to go to this store because they can get in and they can get out with some dignity and some ease of traffic. I=m a disabled citizen of this community, and the same situation applies to me. I have to plan my trips, I have to think about where I=m going and what I=m going to do, and if my only option is a superstore, I=m going to be severely hampered and impinged in that way. So, I think you need to not only consider the landscaping and the taxes and the community impact in those regards,

but you need to think about what it=s going to be to the people of this community. I appreciate you listening.

SUPERVISOR BREESE

Thank you. Mark Tobey?

MARK TOBEY, 62 HORSESHOE LANE NORTH

I=ve been a resident . . .

SUPERVISOR BREESE

Your name and address for the Record, please.

MARK TOBEY, 62 HORSESHOE LANE NORTH

Oh, I=m sorry. Mark Tobey, 62 Horseshoe Lane North, Henrietta. I=ve been, I=ve lived in Henrietta forty-two (42) years, and I=ve always gone into the East Henrietta Road store, and within the past ten (10) or fifteen (15) years I=ve noticed the store decrease in looks and in appearance. What we have here on the boards compared to what we have up there right now where the Dome is presently, you know, I don=t think there=s any argument. I think what we have there now needs to be updated, and Wegmans is the number one (1) employer in the United States, and as far as what they do to the outsides, I think they=re beautiful stores. All the stores in the company within Rochester, Pennsylvania, Virginia, they=re very attractive. So, I really don=t think they=re going to hurt the community. They=re only going to benefit the community by having this store on Calkins Road. Thank you.

SUPERVISOR BREESE

Thank you, Sir. August Flotteron?

AUGUST FLOTTERON, 26 ISLAND GROVE

Hi. Thank you. August Flotteron, 26 Island Grove, West Henrietta. I didn=t think I=d be called this soon, but thank you very much for letting me address you. I am so wholeheartedly in favor of this opportunity, and what Wegmans has done as a human pretzel to bend to our needs and our desires to make them fit our community. I guess I=m frustrated that the Town has given such a difficult time to a Fortune 100, Fortune Magazine says it=s the best employer in the world, and we=ve thumbed our noses at them. That=s kind of an embarrassment, at least to me. I=ve heard comments about we like the little store. If you have a guy that works in the mail room, and he really deserves a promotion, do you hold him back because you like him in the mail room? That=s not moral. You can=t do that to these people, and you can=t hold them back because you like the little stores. There=s a wonderful little market in Rush, four (4) lanes, quiet, and I=m sure the folks down at the market down there would appreciate the business. Wegmans, eleven (11) years ago when I was a new parent, I had the bright idea of taking my daughter shopping with me. She was about four (4) months old. Half way through the shopping experience, she did what most

children do and had a complete meltdown. Got through the checkout line, got her in the car seat and drove off. Got half way out of the parking lot and remembered I never put the groceries in my car. I went back to where the cart was, this was on Hylan, the cart wasn't there, went inside, maybe somebody returned it, sorry - there's no groceries. Sir, do you have your receipt? Yes, I do. Go ahead, if your daughter allows you, go ahead and get your groceries. So I brought in another Forty-two Dollars (\$42.00) worth of groceries that they did not have to give me. This is the kind of company we're dealing with, and this is the kind of company we owe them the opportunity to improve their store in this community and remain competitive. Local, home-grown company. The company's not growing in this Town, let's let them do that. Thank you. (*Applause*)

SUPERVISOR BREESE

Thank you, Sir. David Shields?

DAVID SHIELDS, 45 MARBERTH DRIVE

Thank you, for the Board and Mr. Breese. My name is David Shields. I live at 45 Marberth Drive in Henrietta. I grew up on Calkins Road. We moved out here in 1953, and since that time I moved out of town, I came back and moved into town, and I've been here many years. I've seen the development of that corner of East Henrietta Road when Calkins Road was two (2) lanes, the Anderson horse farm was behind us and the cow pasture was in front of us, with stock car races every Friday night with dust and dirt and things like that. The improvement of this Town has been substantial, and I'm glad I moved back here with the diversity of the tax base and a company like Wegmans coming to put two (2) large stores within a small area, and I believe that maybe this is the only town that has this in Wegmans' service area to be fortunate to potentially have this store. I am for it. I shop at the East Henrietta Road. I've seen kids work there, grow up, go on to college on a Wegmans scholarship. I think they're an important asset to this community, and I wish you would vote for it. Thank you.

SUPERVISOR BREESE

Thank you, Sir. (*Applause*) Maynard Carney?

MAYNARD CARNEY, 7 ASIA CIRCLE

Maynard Carney, 7 Asia Circle in Henrietta. First of all, I'd like to say Wegmans has always been a good neighbor no matter where they are. Everyone says, well, yes, they're trying to make money, isn't every company, but they do it as a good neighbor. I have a couple of questions that could be addressed eventually. The light on East Henrietta Road, will there be a light on East Henrietta Road should there be a need for traffic control or whatever during heavy events, it might be a good thing to keep in mind, other than the one that's proposed out here on Calkins. We go in and out of Beaconsfield a lot because our circle is off of that, and there's a lot of people that access that area. Getting out from Beaconsfield is very tough sometimes, with or without, if you get morning rush traffic or evening rush traffic, not talking events, it gets very tough. Also, the distance between this light and East Henrietta Road is quite a bit. People pick up a lot of speed. I'd like to see anybody that can raise their hand and say they've been under thirty-five (35) on that area.

A lot of people doing well over that, and even we=ve, passing each other up through that section. That light would give people in the Beaconsfield area a chance to get in and out and slow traffic down a little bit, too. The clock tower, I=d like to ask, is that going to be like a silent tower? I don=t believe it=s going to have any dongs or anything to it like that. And with the old store, will that eventually, my wife and I were asking, will that eventually be torn down and made into like green space in the corner? I know Henrietta has a problem with empty buildings, and I don=t believe Wegmans will walk away, but maybe that can be torn down and put into a green space area, because it is kind of tough to get in and out of there, and any other business might have the same problem, and I=m sure the Wegmans truck drivers are going to vote yes for this because they have a hard time backing into that spot. I don=t envy them. I=m not a truck driver, but I would not envy them. So, I say yes to this proposal. They reduced what they=re proposing. There=s a lot of green space. They=ve talked flat-down lighting, so anyone who talked about, I don=t want lights shining in my window at night, first of all, it=s so far back and that flat-down lighting is what it=s called - flat-down lighting. There=s a berm up, there=s going to be green materials. It=s not going to be all parking lot and store. So, I think they=re trying their best to fit into the area, and I say yes.

SUPERVISOR BREESE

Thank you, Sir. (*Applause*) Joe Trusz?

JOE TRUSZ, 166 NEW TUDOR ROAD

Thank you, Supervisor and Board members. I don=t want to stand and talk to these people when, really, what we=re talking to is this grand audience before us. I=m not going to . . .

SUPERVISOR BREESE

Your name and address for the Record.

JOE TRUSZ, 166 NEW TUDOR ROAD

Joe Trusz, 166 New Tudor Road.

SUPERVISOR BREESE

Thank you.

JOE TRUSZ, 166 NEW TUDOR ROAD

I=m not going to echo what the previous people have said. You=ve already heard my position on the Wegmans proposal. What I thought was extremely interesting is that Art Pires is talking about extending sidewalks down Calkins Road, and he=s talking about ornamental trees and street lighting. Wouldn=t it be good for the Town to think about not a village feel in terms of buildings, but to think about taking that space that the Town owns from the fairground property west to the Public Works area and think in terms of what you could do to make that into a true community facility without building buildings, but rather enhancements such as street lighting, ornamental banners, sculpture garden, pocket parks along Calkins Road, so that you encourage more traffic between East Henrietta, foot traffic between East Henrietta and the end of the Public Works. And again, we haven=t heard yet

from the Fairgrounds Association on what their plans are. I hope they plan to address that tonight, but as a parting note, wouldn't it be great to have a four (4) lane bicycle path so that you could have four (4) bikes going from East Henrietta Road down to the playing fields that are on the Town property. So I ask the Town Board to think in terms of what

ways the community can do to enhance that total space working with what we've got to work with from a dedicated company. Thank you.

SUPERVISOR BREESE

Are you for the Application, Sir?

JOE TRUSZ, 166 NEW TUDOR ROAD

Yes, Sir.

SUPERVISOR BREESE

Alright. I didn't know. Okay. Rachel Warren?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Good evening. Rachel Warren, 59 Tomahawk Trail. I think Wegmans' plan looks lovely, and I'm sure that the Board has worked very hard on this. I guess I feel sad for the people who have homes across the street, because those are their residences, and I'm hoping that this action, if you all approve it, does not deteriorate their quality of life. Thank you.

SUPERVISOR BREESE

Thank you. David Christensen?

DAVID CHRISTENSEN, 1456 CALKINS ROAD

David Christensen, 1456 Calkins Road. First of all, thank you very much for the opportunity. I kind of feel like I'm in the minority coming up here, and in a way I am. Going through, I would love to see the Wegmans there. Wegmans is a good employer, they're a great company, they're a great corporation. It's a beautiful store. My wife wouldn't have to drive to Pittsford now to go to the superstore. But my concern is traffic, and I live about two (2) miles down the road, and instead of a city street, it seems more like an expressway. A couple of years ago I tried to address the Town and did a study as to what the actual speed was in the thirty-five (35) mile an hour limit coming past your Tinker Park down the hill. The average speed was forty-five (45) an hour. In the middle of the day over a two (2) hour period, you had over a hundred and fifty (150) people going forty-five (45) to sixty-seven (67) miles an hour in a thirty-five (35) zone. I've had a situation there where I've pulled out of my driveway, it's been clear, and all of a sudden a jeep is sliding sideways in the rain because he's coming so fast over the hill. Now, you're going to add a superstore that's probably going to do a Million (\$1,000,000), Two Million Dollars (\$2,000,000) a week, maybe fifty (50), sixty (60), seventy thousand (70,000) people. Maybe ten thousand (10,000) of those are going to come by my house, and I'm afraid for myself, my family, my neighbors and my property at the speed going through there. To give you an idea, okay, of what transpires, I rode the other day in a courtesy vehicle from a

car dealership on West Henrietta Road to my house, and in front of this building, that driver was doing fifty-two (52) miles an hour. That=s not unheard of. I think everybody here can say that they=ve seen people doing forty (40), fifty (50), sixty (60) miles an hour along Calkins Road right in front of your building, and we got passed by another vehicle. This is at 8:30 in the morning. I turned to the driver and I said, Aaren=t you worried about getting a ticket?@, and he says, Anot in this Town.@ We have five (5) people out there giving parking tickets, yet if you talk to the Sheriffs, we have three (3) Sheriffs covering the entire Town on road patrol, trying to get the people going through speeding, going right on red, doing damages. My philosophy is the fact that the Town addresses some of this tax money to protect the residents of this Town from the speeding, from the total ignoring of traffic laws. Here a couple of years ago I believe the New York State Police set up a one (1) month period on Jefferson Road and West Henrietta because they thought they were some of the most dangerous roads in the area. Well, if you feel that they get off those roads and go into the suburbs and drive safely, they don=t. Take some of the tax dollars that you=re going to receive from Wegmans, and again, Wegmans is an excellent corporation, put them into the safety of the residence, because somebody will get killed. Not long ago, in closing, we unfortunately lost two (2) elderly people at a railroad crossing, and the Town was quite verbal at saying that if CSX knew there was a problem and didn=t resolve it, they are guilty of causing those people=s deaths. Well, this Town, and I believe they know it, has a traffic situation, we have no police, we have no real coverage. Okay? Somebody will get killed, and maybe the Town should be held responsible for that. Thank you. (*Applause*)

SUPERVISOR BREESE  
Charles Kernehan?

CHARLES KERNEHAN, 279 CROCKETT DRIVE  
Charles Kernehan, 279 Crockett Drive. Most of my comments will be towards Mr. Pires. However, first of all, with all the bantering and this being such a hot issue, what distresses me is there was never a professional poll taken of the residents for or against this thought. There was a Wegmans poll . . .

RESIDENT  
(*From audience*) It was a fixed poll.

CHARLES KERNEHAN, 279 CROCKETT DRIVE  
. . . and Supervisor Breese, you said that you, why . . . (*inaudible*) . . . but there was never a professional poll taken.

SUPERVISOR BREESE  
That=s not true.

CHARLES KERNEHAN, 279 CROCKETT DRIVE  
Show me the results.

SUPERVISOR BREESE

Go ahead, Mr. Kernehan. Let=s try not to personalize it, all right?

CHARLES KERNEHAN, 279 CROCKETT DRIVE

I=m saying, we=ve never seen the results. Your signal lights, okay, first of all, what happens if you do not get the light at East Henrietta Road and the (*inaudible*)?

SUPERVISOR BREESE

They=re going to answer questions shortly, so . . .

CHARLES KERNEHAN, 279 CROCKETT DRIVE

I=m saying, this is what I want to see. What happens if you don=t get the light at Gro-Moore=s? Also, you=re one traffic light short on Calkins Road. You need another light at that east exit across from Gloucester Circle. Now, you say that the County Department of Transportation has signed off on all your stuff. Well, let me explain to you a little bit about the County Department of Transportation. I approached them a few years ago about a traffic light at another dangerous intersection in this Town, namely Middle Road and Calkins Road across from the ambulance base. Now, the ambulance can hardly get out of there at times. The County Department of Transportation stated to me that, oh, our traffic study did not indicate that a light was needed there, that was not a situation. I said, when did you take that study? It turned out to be before the whole 133 Calkins Road complex was even built. So, be very careful about dealing with the County traffic department because they=re not using good information. Also, do you realize that there are times during the year that store is going to be effectively closed? As it is now, during the Henrietta Memorial Day parade, shoppers can get in and out of the small store up there on East Henrietta Road. If you put this store here, there=s going to be two (2) hours on the Sunday before Memorial Day that if you people are in that store, you=re not going to get out, and if you=re not in, you=re not going to be able to get in because both of your entrances, the East Henrietta Road and the Calkins Road both are going to be shut down by the parade. The fairgrounds, how long do you think it=s going to take these people to figure out that, oh, I can park in the Wegmans parking lot and I won=t have to pay Five Dollars (\$5.00) to get in the fairgrounds. Thank you very much.

SUPERVISOR BREESE

Thank you. (*Applause*) Mr. Pires, have you written down all of the questions up to now? Would you please get up there with your mic and respond to them? Thank you.

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

If I might, and I apologize if, I hope no one is offended, but I=ll try to use the first names because my ears aren=t hearing the last name, and I=ll probably mispronounce them. So, if it=s comfortable with the citizens and the Board, I=m going to try to go by first names down the list here. Anyway, James spoke about the question about the increase in jobs, and currently we have approximately three hundred (300) employees. With the new store we=ll probably have four hundred fifty (450) plus or minus employees. So, incremental about a hundred and fifty (150) employees with the new store. We had a concern, I think it was from Pat, that, the concern about those that are handicap or have some disability. We

certainly are committed to all of our customers, and anybody that has shopped at any of our stores, whether it be the smaller store on East Henrietta Road or any of the larger stores, we provide the electric scooters and, quite frankly, what we've found is that in any community where there is certain reservations, if you have a preference for a smaller store, that there's concern you'll have difficulty traversing through the store, or it's too large, and we found completely just the opposite, that those fears are all laid to rest. Once that store is up and operating, the customers are very comfortable. Certainly not at one hundred percent (100%) of customers that prefer, will prefer a larger store. Certainly, some prefer small stores. I mean, that's the way it is. But those that prefer to come to our store, we will have all accommodations for them as we have to this date, including things like electronic scooters, and our store managers, which I think everybody's well aware, they're very accommodating to the needs of our customers and the citizens. Handicap parking space is another thing. We do abide by Federal A.D.A. regulations and surpass those in all cases as far as number of handicap parking spaces in the parking lot. So, that's a little beyond showing our consideration and accommodations for all people. The question on the East Henrietta Road light, yes, we are committed to installing that at the intersection of the fairgrounds on East Henrietta Road if it's permitted. That is, once again, the jurisdiction, it's a State road, it's the New York State Department of Transportation, and we will build it. If it's not permitted, we will still build the signal on Beaconsfield and Calkins Road. We are committed to that. In fact, as noted through the presentation, it's a very critical signal both for us, as well as Beaconsfield, and I think at least one or two citizens supported that. The clock tower, no, there will be no chimes. It is what it is - it's just a clock face, and not my face, that's for sure, and it will work, I guarantee it. As far as the green space on East Henrietta Road, turning our old store into green space, we don't typically do that. Once again, as noted in the presentation, our success rate as landlords, if you will, some of our buildings that are retail tenant space, is very high. If it ever came to the point that it became an eyesore, I'm willing to have discussions with the Town about that, and it would be remedied. So, we can pretty much assure that it would be either rented out to a tenant, or we'll work with the Town, if need be, for consideration of use there, but our understanding to date is that the Town is not interested in it, and I can guarantee that it certainly will never become a blight to the community. Question on, a concern about the properties across the roadway on the north side of Calkins Road. Historically, even with our newer projects in, say, Virginia, we're finding that we have houses upon houses in the Three-fifty (350) Four Hundred Thousand Dollar (\$400,000) range built up and after we're in place. So, they're very well aware where we are. We have found historically that property values do not drop when Wegmans comes into the community. Just the opposite, and we have very clear evidence to that (*inaudible*) developments outside this area. And I forgot to mention all the names along the way, but I'll try to get back on line here. David mentioned concern with the traffic, the speed along Calkins Road. Once again, a traffic signal on Beaconsfield and Calkins Road will certainly help control those speeds along that roadway. As far as incremental traffic, certainly we will have incremental traffic to the store. However, everyone has to realize that the traffic study shows us also that a high percentage of the people that will be coming are all either already on the road network, or they're coming to our store now. So, the incremental is really not as large as people perceive it to be, and the key point that this is a County road,

once again. It's a four (4) lane highway for a reason. It's not a residential street. It is a County road, and it's shown in the traffic report in concurrence of the New York State, excuse me, the County D.O.T., it's currently under capacity, and even with the store opening, it will be under capacity. So, it's designed as a thoroughfare, major thoroughfare, and we are once again, in compliance with the D.O.T. regulations in that regard. Charles had a question regarding the signal, do we need a second light. We don't feel that we need a second light at the Calkins Road, and once again, the traffic (*inaudible*) shows that and the governing agencies validate that. The question regarding parking at the fair. Looking at the location of our parking lot and where the fair will have their parking, once again, our front parking, our side parking fields west and east and the driveway, we do not see, because we'll have most of our employees parking at the rears of both the east and west side, so that will be filled, it's highly unlikely that anybody would park in front our store, walk through our development, down the road, down another road to get to the fair. So, we don't see that happening, quite frankly, despite that they have the fair. So, number one, we had looked at that, and obviously we had a concern in that regard, but we don't have the concern that the citizens expressed on that. Times that the store will have to be closed for an hour or two, that's something certainly we are very well aware of the Town events, and as those, and well in advance of those events, we'll certainly be having discussions with the Town on how best to treat that. But for the one or two, at best, times a year that may happen, certainly we think that we can operate and be a very viable business in this community and work with the Town on that matter. I believe I've addressed them all. If not, I'd be glad to.

SUPERVISOR BREESE

Thank you. That's fine. Loretta Engelhardt?

LORETTA ENGELHARDT, 119 PACER DRIVE

My name is Loretta Engelhardt, 119 Pacer Drive in Henrietta. I just wanted to say that I'm totally in favor of this new store. That property on Calkins Road is the ugliest spot in the whole Town of Henrietta. (*Applause*)

COUNCILMAN MULLIGAN

No argument here.

LORETTA ENGELHARDT, 119 PACER DRIVE

This will do nothing more than enhance the Town of Henrietta. When I travel all over the country to visit my children, there's no supermarket that comes close to what Wegmans puts up here, and the better jobs, more jobs for our residents is another plus for the Town. I'm totally in favor. Thank you.

SUPERVISOR BREESE

Thank you. (*Applause*) Pam Cimino?

PAM CIMINO, 74 FALCON DRIVE

Pam Cimino, 74 Falcon Drive, West Henrietta. Members of the Henrietta Town Board, I

have attended every Town Board meeting regarding Wegmans= efforts to build a superstore on Calkins Road. I have stated my objections to it and listened to many other Henrietta residents state their concerns also. But it is obvious that regardless of the community=s objections, it is inevitable that Wegmans will build their store on Calkins Road. I used to be a faithful consumer of Wegmans, but I personally take offense to Wegmans= continual efforts to build their store on Calkins Road against our wishes. As of the last Town Board meeting on this subject, I have refused to shop at any Wegmans food markets. I have since become a shopper of Tops Friendly Market, and I would like to ask that other Henrietta residents join me. To the folks at Wegmans, I say go ahead and build your store, but don=t expect me to shop there. Thank you. (*Applause*)

SUPERVISOR BREESE

Bob Miller? Bob Miller, are you here?

BOB MILLER, 117 BLACKWELL LANE

A tough act to follow. Bob Miller, 117 Blackwell Lane. I=m in favor of this store. There=s basically nothing more I can say. I agree with the last lady, from the World War II quad-set huts in the northeast corner, over to the worn out, I forget what year it was, race track. All the geese are going to look for a new home - they=re being raised there. I don=t know where the school bus demolition derby is going to be, but anyway, I=m sure in the future, Wegmans will be adding significantly to the school and the Town tax base, and as the current owners are a not-for-profit organization, they don=t pay a dollar in taxes and so forth. Thank you.

SUPERVISOR BREESE

Thank you, Sir. (*Applause*) Barbara Pierce?

BARBARA PIERCE, MONROE COUNTY FAIR & RECREATION ASSOCIATION, INC.

Good evening. My name is Barbara Pierce. I=m here representing the Monroe County Fair and Recreation Association. I am the Board President. The Association=s address is 2695 East Henrietta Road. As you know, we are a non-profit 501 C-3 organization that has done our best to keep our facilities up and running. Due to the recent sale of thirty (30) acres of our land, we=re pleased to be in a position to improve our facilities. We=ve already made our Master Plan public, and look forward to presenting a detailed plan to the Town soon. We=re pleased to have Wegmans as our neighbor, and look forward to working with them to improve the properties and the entrances onto East Henrietta Road. Thank you.

SUPERVISOR BREESE

Thank you. (*Applause*) Charles Bixby?

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

Charles Bixby, 5489 West Henrietta Road. It appears to me that acting to approve Wegmans= rezoning proposal at this time is still premature. I would instead recommend that Wegmans, the Dome Arena leadership and other area commercial and residential

neighbors and the Town of Henrietta leaders first work together to create the Henrietta center, which was recommended by paid planning consultants, adopted by the Planning Board and accepted by the Town Board. This would call for the creation of access roadways that would require Town commitments, as well as wisdom from State and County leaders on highways and roadways. In the process, the rights and welfare of our residents and the larger public could be better seen and respected by the final results. Furthermore, the total diversity of our Town, which involves residents plus commercial, agricultural and educational interests could truly be celebrated by the center we could create. I want to comment on one other thing which was mentioned a few moments ago by Mr. Pires. He indicated that the present facilities on East Henrietta Road would never become a blight to the community, and I hope that is indeed the case. Every building in our country that was built before 1978 has lead paint, and I would hope that when you dispose of that building that you would do the abatement of the lead paint problem. In doing so, you would carry out Wegmans= tradition of showing leadership in a new area. Our country is facing a tremendous problem in the decades ahead with lead paint, and if Wegmans can take the leadership in this particular site, and in so doing, give an example to other commercial enterprises and communities, I think it will be a significant achievement for Wegmans, for our community and for our country. I hope that you are able to carry through on that aspect. Thank you. *(Applause)*

SUPERVISOR BREESE  
Gloria McNamara?

GLORIA McNAMARA, 11 WICKWINE LANE  
Gloria McNamara, 11 Wickwine Lane, Henrietta. I would like to say that I really think that the Wegmans store would be a great asset to Henrietta. It would increase our tax base. It would also give us the ability as we grow older to have a store that is nearby, that if necessary, we can walk to. I envy the people who live on Calkins Road. They don=t have to drive ten (10) and twenty (20) miles to a store. They can walk across the street. We do not have public transportation in Henrietta. In fact, our public transportation in Rochester is very wanting. The Wegmans stores here and in other states are well-stocked, have some of the best produce in the country, and they care about different nationalities. They try to have the ethnic foods. I think we really need to show our appreciation and vote for this new store. *(Applause)*

SUPERVISOR BREESE  
Thank you. Robert Goldstein?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH  
Mr. Supervisor, Members of the Board, I= m Robert Goldstein. I live at 29 Horseshoe Lane South in Henrietta. I have several questions I=d like to address. I believe the Board or the Supervisor may be able to answer these. Then I have a statement I=d like to make, and there may be some additional questions in the course of that statement. The first general question I have has to do with the status of the property under consideration under the Town=s Comprehensive Land Use Plan. The area in question on the Town=s official

website is shown as proposed for a Town center but is zoned residential. At a recent meeting of the Planning Board, Mr. Pires, when asked about the compatibility between this particular project and the Town's Comprehensive Land Use Plan, the Master Plan, stated that the site was designated for commercial development. In the 2003 Environmental Impact Assessment Statement that was submitted by Wegmans, there was a question, as part of that Application, "Is the proposed action consistent with the recommended uses in adopted local land use plans?" That question was answered in 2003, no, it is not consistent. In the current submission, the very same question, about the Town's Comprehensive Land Use Plan, is answered yes. I don't understand what's happened. Was this area designated as commercial in the Comprehensive Land Use Plan that was presented at the Public Hearing in February, 2003? Was the Plan that was adopted in March, 2003 by the Board the same as the plan that was presented at the Public Hearing? The Minutes of the March, 2003 Board meeting indicate that this plan was being put forward as amended. There was, however, no discussion of any amendments at that time. So, my questions for the Board are, what were those amendments? What is the current status of this piece of property? Do those amendments, if there were any, relate in any way to this particular property? And, where did they come from? I'll be pleased to have an answer.

SUPERVISOR BREESE

Well, you'll get an answer at some point. I'm not going to give you the answer tonight. Some of the questions are kind of technical. The Town center concept doesn't preclude a store like Wegmans, you know that, I'm sure. So, there's no inconsistency there, as far as I can tell.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

What Mr. Pires specifically said is, that it is appropriate for a commercial development of this sort. That's what he said to the Planning Board. I was there last Wednesday.

SUPERVISOR BREESE

He said what? I didn't hear you. I'm sorry. Say it again.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Mr. Pires was asked by the Planning Board, is this particular site compatible with the Town Master Plan, and he said yes, it is, it's appropriate for commercial development.

SUPERVISOR BREESE

Okay.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I'm trying to understand, what is the status of this property? Is it appropriate for commercial development of this sort?

SUPERVISOR BREESE

I guess we'll find out when the Board makes a decision on this, won't we?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

That=s not what I=m asking, Mr. Breese. I=m asking, under the Town=s existing Land Use Plan . . .

SUPERVISOR BREESE

Yes?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

. . . is this an appropriate development?

SUPERVISOR BREESE

That=s a part of the whole process, for us to determine whether we think it is or not. That=s why we=re having the Hearing, Bob, and we=ll make a decision on this matter.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I=m not sure you understand my point.

SUPERVISOR BREESE

I understand your question.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

So you choose not to answer it. Okay, that=s fine.

SUPERVISOR BREESE

I do, really.

COUNCILMAN MULLIGAN

Bob, you=d have to say that the current use with the Dome is very heavy commercial. Although it=s zoned residential, it=s been a commercial enterprise probably since right after World War II.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I understand that=s the existing use. Yes, you=re right.

COUNCILWOMAN ZINCK

The other thing I would add is, the term aTown center@ if you really go and look for what the definition is of a Town center is, because I think there=s a lot of different interpretations of that, it=s really a blending of commercial and residential. So, as Supervisor Breese said, it wouldn=t preclude a store as being part of the Town center concept.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

What I=m trying to understand is what changed between the 2003 submission and the current submission so it was answered, no, it=s not compatible and now it=s answered, yes, it is compatible. What changed? I=m trying to resolve that simple question.

SUPERVISOR BREESE

We'll let Mr. Pires answer these questions.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Huh?

SUPERVISOR BREESE

At some point. Not right now, okay?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay.

COUNCILWOMAN McCABE

May I?

SUPERVISOR BREESE

Yes, go ahead.

COUNCILWOMAN McCABE

Just for clarification, the property itself is owned by a 501 C-3, and this Board has allowed that 501 C-3 to have certain venues there which, Mr. Mulligan said has been used as commercial, but only as fund raisers for the 501 C-3. It hasn't been commercially used, per se. It's been a 501 C-3 use, and they use that and, with our permission, for fund raisers.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

So, it's not a current commercial property?

COUNCILWOMAN McCABE

It is not. It's residential owned by a 501 C-3.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay, thank you.

COUNCILWOMAN McCABE

But not now. They sold it.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

It's changed. Okay.

SUPERVISOR BREESE

Did you want to continue?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

The Board, the Town Clerk read a letter from the Planning Board a little while ago. I'm trying to understand how the Planning Board participated in this process and why they were asked to review and comment on the proposed zoning change. I attended the Planning Board meeting on May 25 last week. At that time, there was a brief discussion that lasted between twelve (12) and fourteen (14) minutes by my watch, in which Mr. Pires made an overview presentation and discussed the differences between the previous application and the current one. This was a general concept discussion. There was no site plan presented. There was no engineering report presented, nor was there any traffic report presented. Two or three general questions were asked about the changes by members of the Planning Board. Several members of the Planning Board stated that they had no questions to ask, nor could they, because they had not been provided with a detailed site plan or the other information that usually is provided to the Planning Board, and that ended the discussion. My understanding is, that after the meeting adjourned, the attorney for the Planning Board asked the Board to reconvene and to vote on a communication to the Town Board regarding the zoning proposal. That's what I understand was read this evening. The representatives from Wegmans had already left the meeting. There was no way the rezoning idea had been considered in a discussion with them. If, moreover, this was an informal discussion, and that's the way it was listed on the Planning Board's agenda, what was the basis for that recommendation? I just don't understand that. Particularly, since Town Law, within the Town Laws, Section 127-54 specifically states that no report shall be issued on the basis of such a concept plan discussion, and that is intended only for the guidance of the Applicant. So, I'm interested in knowing, who asked the Planning Board for such a comment, and why was it asked? The particular reason I have such a question is that just last week before the Town Board there was a Hearing with regard to a rezoning proposal for the site at East Henrietta Road and Erie Station Road, and I spoke at that Hearing, and I suggested what I thought was a reasonable idea, that the Planning Board should be asked to review that zoning proposal. I was vigorously criticized by you, Mr. Supervisor, and told that my suggestion was simply inappropriate since the Planning Board never reviewed zoning proposals before the Town Board had acted on them, and that what I was asking the Town to do was something that was going totally backwards. So, I'm trying to understand, what is the role of the Planning Board at this point?

SUPERVISOR BREESE

As you know, Dr. Goldstein, the Planning Board does the site plan reviews. There is no site plan that was required for their meeting last week. They deal with concepts, and you referred to it as a concept.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

That's right.

SUPERVISOR BREESE

There was no need for a site plan coming in. They had to get involved in the SEQRA process, and I believe that's what they did last week. I wasn't at the meeting, so you have me at a disadvantage. But I believe they got into the SEQRA process and did what they were supposed to do according to the Law under the SEQRA process, and they also

made the comment that they had no objections to the rezoning. That was, in your mind, might have been a gratuitous comment, but that was their comment. I wasn't there. I can't give you the whole story about it. You can look at the Minutes when they come out.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Obviously you weren't there, but it seems to me the Planning Board was totally out of order, because the Town Zoning Ordinance specifically says that the Planning Board shall submit no report based on that kind of informal discussion.

SUPERVISOR BREESE

I'll ask the Town Attorney, are you familiar with what he's referring to?

DANIEL MASTRELLA, TOWN ATTORNEY

I am familiar with this, Mr. Supervisor, and through you, let me just comment that the letter from the Planning Board Chairman dated May 25, 2005 is directly in response to the Town Board's notification of its intent to become Lead Agency under the SEQRA review, and to further respond, once again, the Planning Board was notified of the other Application of which this gentleman made reference. In their discretion, they chose to respond. They are not obligated to respond. It is a discretionary thing with them, and in this instance, they merely reported they had no objection regarding the rezoning here.

SUPERVISOR BREESE

Thank you. Okay? Anything else?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I'd like to cite this section of the Law, the purpose of the sketch plan, the concept review, is merely for guidance of the Applicant and there shall be no written decision or determination by the Board. So, why the Planning Board jumped into this is beyond me, and I gather it was at the request of the Town Board, and okay, we understand what's going on.

SUPERVISOR BREESE

What do you mean by that? I'm sorry, I don't understand that.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

It appears that the Planning Board was asked to do something by the Town Board. I don't know. Is that the case? I'm trying to understand.

SUPERVISOR BREESE

I think he just explained it. Explain it again, please.

DANIEL MASTRELLA, TOWN ATTORNEY

The Town Board, when it determines that it desires to be the Lead Agency for an Environmental Review under the State Environmental Quality Review Act, is obligated to notify various other boards and municipalities of their intent and to await their response.

This is routinely done. It was done on the Application you spoke on two (2) weeks ago. Those various boards, which would include the Planning Board and the Zoning Board, are free to make an affirmative response or to offer no comments. In this instance, the Planning Board chose to make an affirmative response, and that=s all that is.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay. Well, then I understand then, that my suggestion that the Planning Board review that other thing was quite in order.

DANIEL MASTRELLA, TOWN ATTORNEY

The Planning Board was invited to respond to that as well and chose not to.

SUPERVISOR BREESE

That=s right. I thought you=d like that, Bob.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I did.

SUPERVISOR BREESE

Then you ought to thank me.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

But I was concerned that you told me it was the backwards way to do it, and the Town Board never did that.

SUPERVISOR BREESE

Maybe we had second thoughts.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Good. I=m glad you listened to me.

SUPERVISOR BREESE

Okay.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I=d like to ask the Town Board, this is my statement now, when considering this proposal, to reflect for just a moment on the larger question of how community development, of which this is a part, should be handled. When this country was put together, it is put together in a rather different way from countries that then existed. It was put together with the idea that there should be checks and balances. There should be a balance between forces. The idea was that potentially dominant governmental or private commercial interests would not be allowed to follow their natural course towards the acquisition of even greater power. Instead, these forces would be balanced by the will of the citizens through their elected representatives. So, citizens who individually might not be able to match the clout of the

larger sources of power, could together, prevent those powerful interests from imposing their will on the greater population. What kind of checks and balances do we have to keep our community in balance. Well, what we have is a system of elected public employees who are hired by means of elections to manage communal public affairs and to look after the well-being and the interests of the citizens who hired them for that purpose. So, public officials are there not to rule over their citizen employers, but rather to serve them. I know this sounds very theoretical and abstract, but this is fundamentally what we're talking about here. So, let's see how this applies in the real world. The citizens of this community expect our public officials to be on their side in the ongoing process of balancing larger commercial interests against the wishes and interests of the little guys in our community. When people invest their savings in a home in this community, they do so based on the assumption that their hired Town officials will see to it that citizens' interests will have priority over other forces. If some (*inaudible*) buys a home across the street from the residentially zoned area, they have a right to assume that the Town officials will not injure their interests or their investment by changing the zoning to accommodate a larger commercial interest. Now the problem I'm talking about is one that goes beyond this particular property, because if this piece of land can be rezoned, what protection does anyone have that some vacant or even occupied land near their home can be rezoned if a developer with some commercial interest sees it as a prospect for a quick deal. You know, we've heard the arguments that go, well, there never was residential development on that property, or, what can you expect if you live near the fairgrounds. These are fundamentally friendly arguments. Yes, there never was residential development there, but knowing that the land was zoned residential provided people with a basis for confidence that it would not be development commercially. So, people thought that their home investment would be safe. So in a way, this comes down to a matter of values. I hear a lot of talk about family values, but these are empty phrases until they're translated into concrete actions. What greater family value is there than the value that a man or woman has in their home in which they live and raise their family? Are you really comfortable with the idea of destroying that family's values? There have been public statements made by various people including yourself, Mr. Supervisor, about polls that supposedly show a majority of the community is in favor of the Wegmans project. You and I know that it's a simple matter to design a poll in such a way as to give you exactly the result you want to get. If a question is asked, would you be in favor of a big new Wegmans store that will have more of the products you want to be able to buy, the answer is highly likely to be a positive one. If, on the other hand, a more appropriate question were asked, such as, would you be in favor of a superstore with twenty-four (24) hour, seven (7) day a week traffic congestion, delivery trucks, lights and litter across the street from a residential neighborhood, you know the answer would be a resounding no. A poll is also more or less valid depending on who is polled. People who live a considerable distance from the proposed site and who would be less affected by this project are not the ones who should be polled. It's the residents in the immediate neighborhood whose opinions should be taken into consideration, and they have spoken loudly and clearly many times in the past. Not one of the over three hundred (300) residents who signed the petition that was submitted to this Board opposing this rezoning when it came up before have indicated that they've changed their opinions, so far as I know. The minor changes in the current proposal do nothing to address the real concerns

that people have, and you've heard what those concerns are. The traffic, the lights and all the other ways in which the neighborhood, our Town park and our community as a whole will be harmed. The people who are opposed to this are not, as they are sometimes referred to, the negative minority. They are the ones whose opinions need to be heeded and heard. So, could we have

some explanation as to the nature of the polls that have been referred to? Who conducted them? What questions were asked, and who was asked to respond?

SUPERVISOR BREESE

Not tonight.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I'm sorry?

SUPERVISOR BREESE

Not tonight, no.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Is this not, it's a matter of public record and you've referred to it many times.

SUPERVISOR BREESE

You want us to look at the poll tonight, and I don't have it here.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Do you know what the questions were?

SUPERVISOR BREESE

Oh, yes.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay.

SUPERVISOR BREESE

Pretty straight forward, not loaded. Why don't you come to my office and I'll show them to you sometime.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Well, I would like to.

SUPERVISOR BREESE

There were two (2) polls done.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

By who?

SUPERVISOR BREESE

One in December and then one in March, and they were not done by the Town or by Wegmans, and if you want to look at them sometime, just give me a call and come by my office and I'll show them to you, okay?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Well, that's very kind, and I may take you up on that, but I think that (*inaudible*) public statements about the polls saying that a majority of the people support this, I think there's an obligation to make those polls public.

SUPERVISOR BREESE

I just explained to you what they were, and they were not done by Wegmans or the Town.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I didn't say that.

SUPERVISOR BREESE

They were not loaded questions. I'd be happy to show you that any time you want to see it. Okay?

COUNCILMAN MULLIGAN

Dr. Goldstein, it was about three (3) to two (2) in favor, Town wide.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay, with regard to the area . . .

COUNCILMAN MULLIGAN

Sixty percent (60%).

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

. . . adjacent to the property?

SUPERVISOR BREESE

The whole Town.

COUNCILMAN MULLIGAN

All the districts.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I know, people who don't live near it. That's a different story for people who live near it. Are three (3) to two (2) in favor?

COUNCILMAN MULLIGAN

We try to make decisions for the benefit of the entire Town.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

The ones who will be harmed by it are the ones you need to be concerned about, not people who live elsewhere. Now, I won't get into the details of the remarkably inaccurate document that Wegmans has again submitted to the Town in their Environmental Impact Assessment Statement.

SUPERVISOR BREESE

I don't want to rush you, but there's a lot of other speakers here.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I'm moving along. I'll be finished shortly. I appreciate your patience. This statement remains filled with inaccuracies and misrepresentations. We understand that Wegmans is in the business of merchandising, and they're good at that business, and they're a terrific store, but you should consider this document to be a piece of advertising copy, not an accurate representation of the impact of this project on the community. Do you really believe their traffic analysis which projects a seven percent (7%) increase in traffic that will be generated by a two hundred and twenty percent (220%) larger store? Does that make sense to you? Is that a valid assessment of the traffic impact? Seven (7%) percent more during the average weekday? I don't think those figures are reliable in any way. I think Mr. Wegman is much smarter than building a much larger store and expecting only that increase in traffic to his store. Members of the Board, you know in your hearts that this project will do harm to the residents who live nearby. You can try to rationalize your decision by saying, but it will create jobs, or, Wegmans has been a good influence in this community, and they have been, and a local community should be protected against the larger national competitors that come into this community. There may be some truth in those ideas, but that is not your job. You were not hired by the citizens of this community to look after the well-being of Wegmans. However meritorious that company may be, you're hired to look after the well-being of the community. You were hired to serve as the only check and balance the average guy has in his home that he can count on to protect him against the powerful forces that would run right over him. So Board members, don't kid yourself that voting for this rezoning is a simple matter of helping a nice company get further ahead. Approval of this rezoning would be a fundamental betrayal of what you were hired to do. *(Inaudible)* of the principles of checks and balances on which this country was founded. I urge you to think about this. *(Inaudible)* where your allegiances should lie, what your values are and I ask you to do the right thing. Now, in your hearts, you know what the right thing is. It may not be the politically expedient thing. It may not be the thing that will please some powerful commercial interests. The right thing is what you would do and what you would want done if this project were across the street from your home. You are the representatives of the people who live across the street there, and you are obligated to act on their behalf. The idea that the property values will not be diminished, I don't find that a political statement. These people who are going to be affected in a harmful way cannot protect themselves, but you can by doing the right thing. So, I ask you not to approve this rezoning request. *(Applause & Jeering)*

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.  
Mr. Chairman? Mr. Supervisor?

SUPERVISOR BREESE

Yes, Mr. Pires you have some . . .

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

If I might respond, starting back from Dr. Goldstein to a couple of people so I don't lose sight of their questions, and then we can hear more. Number one, working backwards, as far as the legal interpretation, we certainly will defer to the Town Attorney, which I'm sure, and everybody agrees, is more than capable of understanding law. Number two, as far as the E.A.F. and the challenge by Dr. Goldstein, I certainly rely on Dr. Frank Sciremammano, our professionals at Fisher Associates, traffic engineers, our civil engineers, and our legal counsel, Tom Greiner of Nixon Peabody, which I think Tom, in a second, will have something to say in regard to compliment, in supplement, rather, Mr. Mastrella's comments. As far as the Comprehensive Plan and my understanding, Dr. Goldstein was correct. At the Planning Board meeting the other night, which I made a presentation of the rezoning Application, and for the sake of the citizens so they're not confused, we are not in the site plan review process, we are not before the Planning Board for the site plan review process. That only happens if and when this property is rezoned. So, there's more than sufficient time beyond the technicalities that were spoken by Mr. Mastrella, that we will have the opportunity, hopefully, to speak to site planning issues before the Planning Board. I did state in my *(inaudible)* as Dr. Goldstein says that I *(inaudible)*. I think anybody reviewing the Comprehensive Land Use Plan, that in fact it does state that a larger commercial use is appropriate for the east end of this parcel, or excuse me, let me rephrase that, closer to East Henrietta Road, which once again, we are at that location. As far as Charles' comment about Henrietta settling *(inaudible)*, I think I addressed that question. Last but not least, *(inaudible)* questioning was the question about lead paint abatement. We certainly respect the comments and the recognition of Wegmans being a leader in its industry in this country. Not only do we continue that, the top quality in our service, our products, but we also do that in all phases including construction activities. We consistently and readily come across older buildings we take the lead, we take the initiative, secure those professionals in the field to do an asbestos and lead paint inventory, and then we take the appropriate remediation under the law. So, rest assured, we do comply with that on our own choosing without any need for anyone telling us that. With that said, Mr. Supervisor, if I might, Tom Greiner of Nixon Peabody has some points of clarification.

THOMAS GREINER, JR., NIXON PEABODY, LLP

Good evening, Mr. Supervisor and members of the Board. Just a couple of points here. I couldn't hear what Dr. Goldstein cited for his authority, but I believe it started with Section 127?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH  
*(From audience)* It's 127-54.

THOMAS GREINER, JR., NIXON PEABODY, LLP  
And that is of what document?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH  
(From audience) Of the (*inaudible*) Town Code.  
THOMAS GREINER, JR., NIXON PEABODY, LLP  
The Zoning Ordinance?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH  
(From audience) Town Code.

THOMAS GREINER, JR., NIXON PEABODY, LLP  
Okay. I believe, and what's the date on that, Sir?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH  
(From audience) I have March, 2000.

THOMAS GREINER, JR., NIXON PEABODY, LLP  
Okay.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH  
(From audience - *inaudible*).

THOMAS GREINER, JR., NIXON PEABODY, LLP  
Under the current Town Zoning Ordinance, which is actually 2002, there is no Section 127 at all. In fact, the Ordinance is number 295, and 295, this is just a supplement to what Mr. Mastrella said, 295-64 of Article 15 of the Town Zoning Ordinance, General Provisions say, and this is all it says about rezonings, by the way, it's called amendments, the Town Board may, from time to time, on its own motion or on petition or recommendation of the Planning Board, amend, supplement, change, modify or repeal this Chapter pursuant to the provisions of the Town Law applicable thereto. Every such proposed amendment shall be referred to the Planning Board for a report prior to the Public Hearing thereon. That meeting was held on May 24, 2005, a week ago yesterday. The Planning Board did issue a report, it did consider the Application. Just one correction to what Dr. Goldstein recollected. The Board members didn't say that they would refuse to comment until they saw a sight plan. I wrote down what they said. What they said was, they would hold off their comments until site plan review. A couple of the Board members really had nothing to say regarding the rezoning, and they just said, we will hold off our comments until site plan review. A final point I'd like to make, just as a legal matter regarding rezonings, is that the standard, to the contrary of what Dr. Goldstein articulated, is not whether some members of the Town may disapprove of this or be hurt. It's as Councilman Mulligan stated, which is, it's for the benefit or the detriment of the Town as a whole. The Town Board reviews this under a standard of, is it good for the Town or bad for the Town, not, is it good for Wegmans or bad for a neighbor. Is it good for the Town? That's the standard for rezoning. Thank you. If you like, I can answer questions. (*Applause*)

SUPERVISOR BREESE

Okay. Moving right along, I hope I read this right. Debbie Routhier?

DEBBIE ROUTHIER, 2695 EAST HENRIETTA ROAD

Good evening. My name is Debbie Routhier. I'm the President of the Dog Obedience Training Club of Rochester, New York. Our current training facility is located at Building #2 at 2695 East Henrietta Road on the Monroe County Fairgrounds. D.O.T.C.O.R.N.Y. is a thirty-four (34) year old community based dog training organization licensed by the American Kennel Club. Our all-volunteer one hundred and thirty (130) plus members are happy to be part of the Henrietta community. I'm speaking to you this evening because the proposed plans presented by Wegmans will displace our organization from this area. D.O.T.C.O.R.N.Y. has been a valuable asset to the Monroe County area for many years providing obedience training to more than three hundred (300) pet dogs and their owners from the Henrietta community every year. We offer training and testing for the American Kennel Club K-9 Good Citizen Certificate six (6) or more times every year. This important nation-wide program promotes responsible dog ownership and has been applauded by the New York State Legislature. There are eighty-eight (88) new K-9 Good Citizen certified dogs in this community because of our program. Our members own more than fifty (50) certified therapy dogs who visit at least seventeen (17) different hospitals, group homes, hospices and educational institutions each and every week in and around Monroe County. Our club offers free use of the training building to the Monroe County 4-H. These young people are the future trainers of responsible dog owners for this community. Several times each year, we hold AKC licensed obedience and agility trials. The trials have a positive economic impact on Henrietta because each event brings three hundred (300) plus exhibitors who use our airport, rent vehicles, use our R.V. parks, stay in hotels and motels, eat in our restaurants, as well as shop in the many fine stores. Our present facility is the ideal location for our training programs and our dog sporting events because of its close proximity to 390 and the Thruway. Each year, all revenue from our programs and events is re-invested right back into our community-based training programs. We would like to have D.O.T.C.O.R.N.Y.'s role in the community considered in the future development of this area. Thank you.

SUPERVISOR BREESE

Thank you. (*Applause*) Phyllis Wickerham?

RESIDENT

(*From audience*) Mr. Breese, you skipped me.

SUPERVISOR BREESE

No, I haven't skipped anybody. It's Phyllis Wickerham I'm calling. Thank you. I'm not going to skip you. Don't worry. How could I skip you? There's no way I could skip you. I'm sorry, go ahead.

PHYLLIS WICKERHAM, 133 BLACKWELL LANE

My name is Phyllis Wickerham. I live at 133 Blackwell Lane, Henrietta. I've been, I've spoken in front of the Board many times on this issue, and my opinion has not changed. I enjoy the small store. I realize that's something that is probably not going to happen. Everyone of us in this room shops at Wegmans. We love Wegmans. We all agree that the Dome property probably is not the prettiest piece of property in Town. I guess I was being naive when I thought that when the Town said "no" two (2) years ago, you would go back and re-evaluate the size of the store. I'd love a new Wegmans. I would love a new Wegmans. I just don't want a hundred and thirty thousand (130,000) square feet. *(Applause)* I have a couple of questions based on the time frame of the construction, when do you propose that the project will be completed if all of the approvals happen, which I'm assuming they are. I'm not kidding myself. I assume that all of the approvals will go through. The other concern, the one thing I would like to caution the Town Board, please consider the whole picture, not just Wegmans, the whole picture. The people across the street, the Dome. I mean, it does get busy. It's like he said, it's random, but there are days you can not pull out onto Calkins Road from the Dome when they are having one of their craft shows or their, whatever they're having over there. Traffic is a problem. I agree with the gentleman who lives farther east on Calkins Road. We live over in that corridor where people are going to be coming from. Your target population, from what I am assuming, is going to be the southwest Pittsford, northwest Mendon developments. I live off of Pinnacle Road. If I have trouble getting out of my street now, I can't imagine what's going to happen when you're drawing all those populations out. I want a new store, yes. I don't want it that big. I'm sorry. Thank you.

SUPERVISOR BREESE

Thank you. *(Applause)* Cynthia Goldstein?

CYNTHIA GOLDSTEIN, 29 HORSESHOE LANE SOUTH

A letter appeared in the Henrietta Post dated September 4, 2002. I'm going to read you an excerpt from it, and what it says is, "if you look in East Henrietta Road between MCC and Lehigh Station, you'll notice that one side of the road went commercial, little by little, the residential homes are being taken over by small business. This is not necessarily a bad thing, and these businesses are a tremendous addition to Henrietta, but in the survey distributed by the Town last year, residents did not want to see additional areas of Henrietta turn into commercial strips." It's signed by Janet B. Zinck, Councilwoman, Henrietta. I think Mrs. Zinck properly recognized the concerns of people who invested their life savings and their faith in the Town of Henrietta. This has never been about Wegmans. It's never been about the quality of that store. It's an excellent store. It has everything to do with the quality of life and the people who live near Wegmans, and the quality of life of people who have to traverse that road. So, I want that to be the focus, not whether Wegmans is a good or bad store. It's not a bad store. It never has been a bad store. It's a fine store. It has everything to do with people who have faith in the Town of Henrietta and who expect the Town to consider their faith in the Town and do the proper thing. So, I certainly ask you to vote against this rezoning. May I also say something else? I noticed some young people sitting in the audience tonight, and I want them to understand about public meetings, and

public meetings have everything to do with disagreeing without being disagreeable, and I think that the booing and the hissing is completely unnecessary. Those of us who are . . . *(Applause)* . . . those of us who are not in favor of rezoning this property, and that=s what the issue is. It=s not Wegmans, it=s rezoning the property. We

listened to people who are feeling differently and listened respectfully, and we expect you to do the same. Thank you. *(Applause)*

SUPERVISOR BREESE

Mark Knisely?

MARK KNISELY, 12 GLOUCESTER CIRCLE

I=m going to do the same thing the last gentleman did. I=d like to look at the people I=m talking to.

SUPERVISOR BREESE

I need . . .

MARK KNISELY, 12 GLOUCESTER CIRCLE

Mr. Breese, my name is Mark Knisely. I reside at 12 Gloucester Circle. That=s like ground zero with this rezoning proposal. *(Laughter)* For those of you who don=t know where Gloucester Circle is, I=d be more than happy to show you. Gloucester Circle happens to be directly across the street from the eastern most entrance to this proposed new store. Saturday mornings, if there=s anything going on at the Dome, can you get out of Gloucester Circle and make a left hand turn? No. During the morning rush hour, can you get out of Gloucester Circle and make a left hand turn? I hope not. I hope you don=t have to try because you=re not going to do it. My biggest concern, Mr. Breese and the members of the Town Board, is with traffic on East Henrietta Road. If I remember, Mr. Pires traffic survey is from back in 2002 or 2000, when it was before. This little stretch of road from East Henrietta and Calkins to Gloucester Circle is going to see a one thousand percent increase in traffic density. That=s my front yard. I don=t want to get up every morning, look out my front window and see the store. Danny Wegmans indirectly pays my paycheck. The company I work for does quite a lot of work with Wegmans. I love their stores, but I don=t want to see them in my front yard. I don=t want to have to fight their traffic trying to get out of my driveway, which is what Gloucester Circle basically is, it=s a driveway for the seven (7) families that live there. I don=t want to have to fight the traffic to get out of my driveway to go to work. So, I ask the Board to please deny this request. Thank you.

SUPERVISOR BREESE

Thank you. *(Applause)* Janet Vay? *(Pause - no response)* I guess we lost her. Edward, I=m having trouble with this.

EDWARD WLOSINSKI, 1364 RUSH-HENRIETTA TOWN LINE ROAD

Wlosinski.

SUPERVISOR BREESE

Thank you.

EDWARD WLOSINSKI, 1364 RUSH-HENRIETTA TOWN LINE ROAD

How=s that?

SUPERVISOR BREESE

That=s fine help. Thank you. Go ahead, Sir.

EDWARD WLOSINSKI, 1364 RUSH-HENRIETTA TOWN LINE ROAD

Eddie Wlosinski, 1364 Rush-Henrietta Town Line Road. There=s two (2) sides to every coin, and this is a different one. I heard checks and balances, and what=s good for the Town, who took the polls, who provided the polls. What I don=t like, I guess, and I=m against Wegmans being there. I=m not against Wegmans, but I=d like to see the checks and balances, and I=d like to see good competition in the Town, okay? Having another superstore from another store a mile and a half away, I don=t know where the business judgement is in that. It=s not my concern. I do think that Wegmans= are a little steep, but I think they=re paying for what you get, okay? Could somebody else be able to do that? Maybe so, but I don=t shop at Wegmans, okay, because I can=t afford to shop at Wegmans. I spoke to Mr. Breese on the phone and mentioned that their meat prices were extremely high. Mr. Breese said, well, I don=t do the shopping so I wouldn=t know. So, I don=t know how far we go with that, but their prices are too high. I remember when Chase Pitkin was the only place in Town. It took Hechingers to bring their prices down, and Home Depot to bring their prices down. I don=t think monopolies are good for the Town. I=d like to see a Martin=s come in down there, okay? Would that be a nice store? Yes. Is Wegmans a home-town company? For now it is, but will they move to Virginia or Pennsylvania where the taxes are lower? Is it good for the Town? I wouldn=t want to live across from Wegmans either, but frankly, if they came in I=d move. So, there you go. That=s all I have to say. Thank you.

SUPERVISOR BREESE

Thank you, Sir. (*Applause*) Sue Eliaz?

SUE ELIASZ, 104 COBBLESTONE DRIVE

Sue Eliaz, 104 Cobblestone Drive in Henrietta. I=ve been a resident of Henrietta for over 30 years. My children all grew up here, moved away, two (2) of them have moved back to Henrietta. It=s a great community for the children, but it could be a much prettier community. When you talk about a community center, let=s face it - it=s never going to happen. You=re never going to have sidewalks with a Town Center in Henrietta. It=s just not feasible tax-wise, financially. That building right there gives you the illusion that we want. It looks like a community. It looks like buildings that Pittsford is building. When you look at nursing homes that are built in Pittsford, they look like that. In Henrietta they=ve got flat roofs and white siding. Henrietta doesn=t command the look. Jack Kelly, when he was Supervisor, said his biggest regret was not putting a, what do I want to say, as a zoning

thing, when the house along East Henrietta started to sell, that they all looked alike. That is something we can do. I think we are being very arrogant to expect Wegmans to start decorating East Henrietta Road when the Aqua Center and Evergreen Credit Union and none of the other ones, Curves, have done anything. You haven't demanded it of them, why are you demanding it of Wegmans? The community needs the employment. It needs a prettier site than what the fairgrounds are giving us, and I feel bad for the people across the street, but if I had to wake up every morning, and somebody talked about the litter in the Wegmans parking lot, it's not nearly as bad every day along that fence. When this proposal came up in 2003, I guess I was arrogant because I didn't speak up, and I thought why wouldn't Henrietta want to be a focal point. Why can't we take pride in our Town and what we offer? But no, you guys voted it down. So, I'm no longer the silent majority, and Jim Duffy, you quoted his small poll that he took in his neighborhood. Eighty percent (80%) of the people want the new Wegmans. Do I like the small store? Sure. I don't spend as much money there as I do at Hylan Drive because I go into Hylan Drive, you wander around, you see all the new stuff and you buy it. We approved Wal-Mart's and Wal-Mart's isn't community. Wal-Mart's truckers, half their employees are from out of state. Wegmans truckers are from the area. As far as the traffic goes, you said you wanted an exit onto East Henrietta Road. You obviously have not tried to get out of the little store at five (5) o'clock on East Henrietta Road, if you think there's not a traffic problem there. The light at Beaconsfield will make it much safer for Crane School for the buses to get in and out. I just, I don't understand. I don't understand why Henrietta doesn't want to elevate its look, and I'm, you know, I look at the taxes and I love them, and that's one of the reasons we're here. You get twice the house for less money and lower taxes. But, when you say no to a beautiful building that could make the community look better, give us a little more umph than if we say no again, what's to say, and I'm not saying Wegmans does, but the little store does a better percentage for them per square foot, I think. It's one of the largest percentage per square foot stores, but you can't stock it the way you can a big store. You can't upgrade it constantly. The buildings, as far as the dog association, rent some space from them - it's right across the street. There's that now. So, that's all. I just wanted to have my say. Thank you very much.

SUPERVISOR BREESE

Thank you. *(Applause)* Patrick Dykes?

PATRICK DYKES, 157 RED LION ROAD

*(Tape switching)* . . . persons. I feel that the Town of Henrietta should allow Wegmans to build on the proposed property on Calkins Road. The new store will improve the appearance of the area in which it should be built, cleaning up the area significantly and providing much more aesthetic appearance for the center of our Town. It will provide more opportunity for our youth to find part-time employment with the company that has a fantastic track record for taking care of business and its employees. Any Wegmans that I've ever been in is clean and very well maintained. I feel safe shopping at Wegmans morning or night. This is definitely something that will be taken into consideration when my children look for part-time work in the future. The increased size will also mean an increase in sales, not traffic. The larger selection of goods that will be available should increase

sales, which will effectively increase our sales tax revenue and decrease property taxes. Please have the forethought for those of us who will be here for the next twenty (20) years and beyond. Please allow Wegmans to build the new store. Patrick Dykes, 157 Red Lion Road, 14467. *(Applause)*

SUPERVISOR BREESE  
Pat Saunders?

PAT SAUNDERS, 143 FLORENDIN DRIVE  
My name is Pat Saunders. I=ve lived at 143 Florendin in Henrietta for thirty-two (32) years. This is maybe a small point, but I recall that at a previous Hearing, I believe Mr. Pires claimed that the Hylan Drive store and the proposed new Wegmans on Calkins Road would be serving different populations. I just have trouble believing that Wegmans really intends to keep both large stores operating in such close proximity in the future, and I guess I=m wondering what=s going to happen if, as I suspect, down the road you close that Hylan Drive store.

SUPERVISOR BREESE  
Thank you for your questions. I think, Mr. Pires, there=s several questions that have been asked in the last few minutes. Would you respond to them, including this last one?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.  
Yes, Mr. Supervisor, I=d be glad to. Number one, I think Phyllis had the questions about re-evaluating the size of the store. Wegmans, in all their aspects, is constantly evaluating every aspect of their store operations in the business, and we have, our current business motto, we have found, would not accommodate a smaller store. I mean, that=s the sum total of our analysis on that. We do much analysis, and that is our conclusion on that. When will it open, we do not set schedules until we are through all of our approvals and permitting processes, so it would be well premature for us to set any kind of a construction or store opening schedule. Market area, eighty percent (80%) of the customers, according to the traffic analysis, will be coming from, if you will, the east side, twenty percent (20%) from the west side, and that eighty percent (80%) is split approximately evenly coming from the north, the south and then the east. That also falls in line with the last question about the Marketplace store on Hylan Drive and the Calkins Road. Our intention is to keep it open, both stores open, if it is approved, obviously, and constructed. They are two (2) different demographic areas. So, we do an extensive analysis and update that on a regular basis. As far as Gloucester, certainly the traffic is heavy along there. I don=t have the specific percentages along there, but rest assured that the key point there is with the traffic signal at Beaconsfield and Calkins that will provide more gaps along that. Certainly, as noted by Mark, certainly there will be incremental traffic, and the traffic study speaks for itself in that regard. That answers the questions.

SUPERVISOR BREESE  
Thank you, for now.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, just one clarification, Art. Isn't your contract with the Fair Association, though, allow them to use the front through the summer of '06?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

That's correct.

COUNCILMAN MULLIGAN

So, there would be nothing before the summer of '06?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

That's correct. Thank you.

SUPERVISOR BREESE

Thank you. John Roman?

JOHN ROMAN, 151 FOX CHAPEL ROAD

John Roman, 151 Fox Chapel Road. I attended the 2003 meeting, as well as the one here, and I have to say it's refreshing tonight because in 2003 there was a resounding, no, we don't want this store. It's good to hear discourse on both sides of the issue. The concern I have, and I say concern, is the existing property, and you hear that over and over again, but your last presentation when alternatives were presented to you about doing something with the current property, one of your reasons you didn't want to do that was the infrastructure of the building, the HVAC, etcetera was old and it wasn't worth revitalizing. It's better to build a new building. How are you going to rent out the building that you have? Do you plan on revitalizing the old building? I mean, nobody wants to rent a building that has poor infrastructure. Can you give us a little more detailed plan? We don't want to see more empty buildings in the Town. Thank you. *(Applause)*

SUPERVISOR BREESE

Why don't you answer that right now, because it came up before, Mr. Pires.

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

I'd be glad to. Thanks, Jim. Right, in speaking to the existing store, the issue is with our refrigeration units and the health food safety issues that we, it's just one small aspect of it that, just like when you remodel your home, you make that decision, do you remodel or do you just have a larger addition rather than just trying to remodel your existing. It's the cost, when you do the cost benefit analysis, that's one small part of the number crunching, is to go to a larger store. The other key factors are the larger stores, obviously the loading and storage areas have to be incremental for better service, better inventory, better working conditions for our employees, work rooms, conference rooms, wash rooms, etcetera. So,

we actually, a large part of the new store is loading, storage, business offices, employee conference rooms, employee locker rooms, etcetera. Getting back specifically to the HVAC units, what I meant by that was specifically to the food market and the very high food house standards that we, the industry holds us to and we hold ourselves to. That is the need and the decision we made for a new store. This store certainly operates and is in compliance with all health regulations and our standards. What we're saying is, to provide, to take it a couple of steps higher, it makes more sense to incorporate that into a newer store than an existing store. Hopefully that answers your question.

SUPERVISOR BREESE

Thank you. Elizabeth Thomson?

ELIZABETH THOMSON, 79 BEACONSFIELD ROAD

Elizabeth Thomson, 79 Beaconsfield Road. I've been a Henrietta resident for almost twenty-two (22) years, and I live on a street across from the proposed land rezoning on Calkins Road, formerly the Dome land and now Wegmans' land. I attended a Planning Board meeting last week to get an update on the Wegmans proposal. They decided not to include the senior housing and one (1) outside retail site. This reduced the acreage from thirty (30) to fourteen (14) acres they needed to request for rezoning. I would like to refer back to the Findings of Fact part of the December 17, 2003 Public Record regarding the rezoning request. Of the eleven (11) points cited for denial of the rezoning, only a few changes have been made at this point. Part of it was the Wegmans will have that easement for the access road by Gro-Moore's, allowing access to East Henrietta Road. The Master Plan for the Monroe County Fairground property has been completed, and they will have two (2) entrances, one on Calkins Road farther down where the dirt road is currently by the Town Park, the Memorial Park, and also, they will have the one that goes by Gro-Moore's. I'm not sure if it's been really made clear how the traffic flow will impact this area when the fair is operating, whether it's prior to the superstore or after a possible superstore. Another finding on there was, they spoke of the effect on the aesthetics in the area. I would think that this is a proposal for the Special Use on the seventy-seven (77) foot clock tower, which is almost twice the Code allowance, would greatly impact the aesthetics in this area. I would suggest to stay within the Code and stay at that forty (40) foot limit. The neighborhood area of Crane School, roughly Beaconsfield to Wildbriar Roads, is being surrounded by commercial development. This Calkins Land is part of the last piece not commercialized for which rezoning is being sought. Even though the total number of acres to be rezoned has been reduced at this time, it sets a precedent for the rest of the area, already purchased acreage, to be submitted for rezoning in the future as said tonight by Wegmans. Yes, the Town Park will still be there as an open area, but it will be more dangerous for neighborhood children or adults to cross Calkins Road with the increased traffic that commercialization brings. Even with the small berms and landscaping in an attempt to hide metal, lights, brick and blacktop, it doesn't change the large quantity of cars and traffic which will be directed out of the two (2) exits onto Calkins Road. There's only one (1) proposed light at Beaconsfield Road, and this road is the main feeder road for Crane School with over a dozen and a half buses using it every weekday. Last week they

spoke on the tv news about traffic intersections on Jefferson Road, East and West Henrietta Roads as being two (2) of the most dangerous ones in the County, that there=s so much traffic at those spots that it equals more accidents, and that=s what I think will happen with this area of Calkins Road. More traffic equals more accidents. Isn=t the precious cargo on those school buses worth consideration? Backups on these roads at the light will probably be a couple of light changes to get through at the busiest bus times, and buses don=t turn right on red, so more delays. Also, how will the homeowners on Gloucester and Lavender Circles be able to get in and out in a timely manner? Dome events will have two (2) access roads, one from Calkins near the Town Park where there is a dirt road now, and the other current one by Gro-Moore=s. Most of the traffic will probably use the entrance/exit on East Henrietta Road. A light is proposed here, and the majority of cars will be turning left, or north, towards Route 390. Wegmans also has an easement to use this access road, too. Big Dome events, like the garden show, computer show, gun show, craft show, home improvement show, and of course, the Monroe County Fair, draw several thousand people a day. From the number of cars I=ve seen at these events, this entrance/exit is a traffic disaster waiting to happen, then add superstore traffic and delivery trucks to it. I=ve heard or read some people in favor of the superstore development on this site. Most of them do not live in the surrounding neighborhoods like mine that will be adversely affected by it. This land has residential zoning even though it is not being used for homes. Most of the events at the Dome have been those of recreational, even though this compliments the adjacent Town park. The land along Calkins Road has been called unkempt and unsitely. What would these people call rural land that doesn=t have houses on it or isn=t being farmed? I guess beauty is in the eye of the beholder. It may not have been kept up to the same quality as our Town park, but is open land much like the greenbelts that are scattered throughout our neighborhoods, so why should it be made into a huge parking lot? This area can improve our quality of life in Henrietta and become a better community asset without a superstore. I suggest that it remain a recreational area with some modifications. Maybe have a complex like the Gates-Chili Wegmans employee area has, and it could be renamed Wegmans Community Park. This would compliment to the proposed Town Center idea. I=ve also heard about this variance for the seventy-seven foot clock tower. That would stick out greatly on the landscape. This is taller than the Holidome Hotel. Even a forty (40) foot one as permitted by Town Code is slightly out of character with this area. This would be something more appropriate for a larger commercial area with other signs. Please deny that special request. As many residents have said, we like the smaller Wegmans store on the corner of East Henrietta and Calkins. It is plain, simple and convenient to run in and out in a short time. It is like a friendly old-fashioned corner store, a community place, a close-by parking space can be found and you don=t have to walk a half a mile to the store or to find an item. As long as prices are kept competitive and health and safety codes are followed, people will shop there. If this wasn=t such a profitable store, it would have been closed by now. Proposed leasing means it must still be a usable building, and bigger isn=t always better. The Marketplace store is close enough and large enough that anyone can drive a mile and a half over there for anything special like take-out, ethnic or health foods. The Marketplace area is where expansion should take place, in an already commercial zoned area to compete with other nearby superstores, not homes. In reference to the job situation, just recently in last week=s

paper, Verizon has added a hundred and twenty (120) since January in the community, another fifty (50) more are planned. At the Planning Board meeting last week, FedEx is planning on building a large building on Thruway Park Drive. That will add employment. The new Kohl's in the neighborhood, Wal-Mart has expanded to be a superstore, and also there's been talk about the old RG&E site on Jefferson Road developing. These will also bring plenty of jobs to the Town. It was a beautiful view last week while driving on Calkins Road, with the American Flags unfurled in the wind to commemorate those who have sacrificed for our country. It inspired in me the pride of being an American, and also pride in my Town of Henrietta. The Memorial Day parade along this route is a tribute to our heroes, as well as a family event. What will happen to this Memorial Day parade that uses the two (2) roads around this proposed rezoning, and, other family events, like the New Year's Eve celebration with fireworks held at the Dome, and the 4<sup>TH</sup> of July fireworks held over this land. Can these events be held when commercial businesses develop the land? The large number of people that attend these events demonstrate a following of Town residents and many others. I'm sure many people, as well as myself, would be very disappointed if any of these events were discontinued. I also would like to take the time to enter a Petition to go to into the public record. We ask that this protest Petition be used to require a three-fourths majority vote of the Henrietta Town Board, as required by New York State Law, to approve any requested zoning change for adjacent property. This Petition represents the owners of twenty percent (20%) or more of the area of land directly opposite the proposed rezoning, extending one hundred (100) feet from the street frontage of such opposite land, and I would like this to be part of the official Town Board meeting when this does come to a vote. Mr. Breese, Town Board members, you have been elected and chosen to govern this Town and serve. In the last few years, residents of other towns, like Victor and Brighton and Brockport, have spoken up and said they don't want superstores in areas that effect the residential neighborhoods. Henrietta residents of the surrounding neighborhood echo these concerns, and as we said, it's not about Wegmans. It's just a superstore. Your efforts are appreciated to keep our Town taxes low with commercial areas we already have in Town, but please, don't sacrifice this parcel to rezoning. Keep this area as part of our Town Center and its family events. Thank you. *(Applause)*

#### SUPERVISOR BREESE

Elizabeth Ludwick? Is Elizabeth Ludwick still here? *(Pause - no response)* I guess not. The next one, it's Marilyn, I can't read the last name, but she lives at 247 Mystic Lane. Marilyn, are you here? There you are, okay.

#### MARILYN MANIS, 247 MYSTIC LANE

Marilyn Manis, 247 Mystic Lane. All I want to say is that I think the small store has been great. It's been a great store, but I think it's time that we get with the program and have the selection, and that store cannot accommodate it. I certainly can attest to people that do have problems getting around the store. There are people in the store, I saw it today, that person is riding in a cart with a helping hand person going along with the customer, and Wegmans will, Wegmans has provided the service, so no matter how big the store is, Wegmans can accommodate any person that has any problem, and I just feel that the Town will benefit from this store. That's all I have to say.

SUPERVISOR BREESE

Thank you. *(Applause)* Gilbert Kramer?

GILBERT KRAMER, 135 SHELL EDGE DRIVE

My name is Gilbert Kramer. I live at 135 Shell Edge Drive in the Town of Henrietta. I live within viewing distance of Crane Elementary School across the street. I am against, and have been against, the rezoning of this property from day one. It is zoned residential. Changing it to commercial, I don't agree with. For residential properties that are rezoned, never go back to being residential. We are losing residential in the Town of Henrietta. We have empty buildings. I cannot see why we have to rezone. I have nothing against Wegmans. This is strictly on zoning. The other problem is pollution. We have the traffic pollution of all the increased vehicles, especially those coming down Calkins Road from Pittsford and Mendon. If you go out that way, you will see areas right by Tinker Farm that used to be a horse farm that are now residential. You drive down to Mendon Ponds, they are having problems out there because they are building new homes out there. These are the people who will be coming to this store. We have noise pollution, again, from traffic and from the trucks that will be unloading in the middle of the night. Where I am, even in the day time, I can hear the dogs barking at the kennel on East Henrietta Road. Sometimes at night from the fairgrounds when they are setting up and taking down some of the rides, language and noise travel, and some of the language I hear, no way would I dare to repeat it. It's just too livid. Light pollution, it's bad enough when the fair's there, yes, but you put a parking lot over there, you're going to get light pollution. I don't care how you aim it. You still get light pollution. If you don't know what light pollution is, drive down 390 at night, then drive back and then you will see it. The property values over there will drop. They say in Virginia property values didn't, but the property values in Virginia, for one (1) house down there I could probably buy about seven (7) or eight (8) houses across the street for that price. I also remember when the Dome was built as an ice skating arena. When that variance was given, the article in the paper stated by the Town officials that there would be no further buildings of any kind like that, including commercial, put there. Yet, now I hear they are going to rebuild, or want to build. Wegmans says, yes, they have cut it down, but they reserve their right to come back and have it rezoned and to extend. I am sorry, but I cannot believe, they will be back within two (2) to five (5) years if they get it, and we will go through this all again. The last two (2) votes you did was correct as far as rezoning. I do hope you follow it for the third time. Thank you.

SUPERVISOR BREESE

Thank you, Sir. *(Applause)* Ronald Kenney?

RONALD KENNEY, 38 BLACKWELL LANE

Good evening. My name is Ronald Kenney. I live at 38 Blackwell Lane. I've been a resident of the Town for about twenty (20) years now. We could go back and forth discussing the pros and cons of the proposal, and everybody has good reasons as to why something, why this store should be built or why the zoning should be changed and so forth, and there's equally good reasons as to why it shouldn't. I can just tell you, rather

than try to repeat all those arguments, I want to be concise and simply say, as a member of the community, on the net, on the balance, I view this store as a good thing for the community, and I ask you to support, whatever we can do, to help Wegmans make it happen. Thank you. (*Applause*)

SUPERVISOR BREESE  
John Schmitt?

JOHN SCHMITT, 66 FAWN RIDGE ROAD

John Schmitt, 66 Fawn Ridge Road, Henrietta. I may be a little clumsy because much of what I had planned to say has already been said, and I do not want to repeat it. I think I must borrow from the real estate people one (1) of the reasons that I object to this particular proposal, and that is, location, location, location. If we took everything we've heard about the Wegmans proposal, and all the good things that the cheering section they have out here behind me this night and just put it someplace else, there would be no objections. The major objection seems to be traffic and safety. Now, I believe when those findings were presented in December of 2003, it was stated that there were other locations available, this was not the only spot in Henrietta. Now, I'm sure as far as Wegmans was concerned, it was the best. It's an excellent piece of property, I don't deny that. But because of the problems that it has, I have to ask if it cannot be possible to find another piece of property. There are some other inconsistencies that I seem to pick up, and that is that Wegmans' approach in some other areas, like in Greece, and Pittsford and Canandaigua, to mention several, the stores are off the main road. They're not in the residential areas, they're by the highway. They talked about in other states, now I know in Morristown, New Jersey they're proposing a large store, but it's part of a commercial center. Again, it's not residential boundaries. So, it's a matter of, I believe that's an inconsistency. This morning I called the New York State Department of Transportation and the Monroe County Department of Transportation. The Monroe County Department said that they had made and approached to them when they first began to develop their site plans, and they said that Wegmans had been very forthright and very helpful, but that was several years ago. They said that any change or any proposal now will have to be updated.

The New York State Department of Transportation said that they did not have anything currently on the board, and that it would have to be submitted as a new proposal. How long will that take? They said it's hard to say because of the many things that come up in this type of an Application, but he said at least nine (9) months. The other aspect that we have that has been mentioned here is the purpose of Calkins Road. It's the last road that transverses the Town where you can get from one side to the other relatively easy. It has been mentioned that our ambulance service is on Calkins Road, and any delay in an ambulance or an emergency vehicle to get to the site of the emergency can be devastating, can cause lives, can do many other things, but I'm sure you're aware of that, and we've mentioned it before. Like I say, it's pretty obvious it is not Wegmans. It's obvious that it's where Wegmans wants to put this store, and I think with the safety concerns for everybody in the Town, we should ask them before any rezoning occurs, if there isn't some way that they can amend this and make this a better place but in a different location.

Thank you. *(Applause)*

SUPERVISOR BREESE  
Jane Schmitt?

JANE SCHMITT, 66 FAWN RIDGE ROAD

My name is Jane Schmitt. I reside at 66 Fawn Ridge Road in the Town of Henrietta. I'm here tonight to oppose the rezoning of the property on Calkins Road from R-1-15 to B-1. My objection is based on several things. The north side of Calkins Road is lined with private homes. Why should these people be forced to look on a daily basis at a parking lot for eight hundred and sixty-eight (868) vehicles. Regardless of where Wegmans builds, there are several things I wish they would consider. Is it possible to build a store with a parking lot in the back? Do we always have to show our parking lots to the public? This community already has many areas where parking lots line the streets. Let us not make Calkins Road into another East or West Henrietta Road. Let's be a Town that takes pride in our appearance. Trash presents another problem. In the past years I, along with a lot of other volunteers in the Adopt A Highway Project have picked up hundreds, probably thousands of Wegmans plastic bags from the highway, along with other debris along East Henrietta Road. We should not place residents in a situation where their lawns will be recipients of trash generated by commercial buildings and customers. Drainage is also a concern. Wegmans is considering putting most of fourteen point four (14.4) acres of land under impermeable surface. Please bear in mind that the Monroe County Fair and Recreation Association has recently released a long range plan that includes paving and new buildings, creating more acres of impermeable surface. Rain water must go somewhere, taking with it the debris and pollutants found on paved surfaces. Henrietta has had drainage problems in the past, let's not create more. Lastly, traffic is another concern. Residential areas should not face a constant traffic jam, the scene of fender-benders, blaring radios and gasoline fumes. This situation will be exacerbated during annual fairs and other events that are held at the fairgrounds. You may point out that this area is already home to traffic from the fair and other shows, however, this is an intermittent thing and not compounded by a busy grocery store. The scenery on the south side of Calkins Road may not be the best the Town has to offer, but it does provide open space which the residents of this Town value. This location on Calkins is not the place to put a thriving, busy commercial venture. I urge you not to rezone this property, and I thank you for the opportunity to speak tonight. *(Applause)*

SUPERVISOR BREESE  
Thank you. Randall Brown?

RANDALL BROWN, 8 CARNEY CIRCLE

Randall Brown, 8 Carney Circle. I was actually supposed to be here with my wife, but she's against the rezoning, so I left her at home. *(Laughter and applause)*. So, I can understand how this divides the Town.

COUNCILMAN MULLIGAN  
Where are you having dinner?

RANDALL BROWN, 8 CARNEY CIRCLE  
I'm sorry?

COUNCILMAN MULLIGAN  
Where are you having dinner? *(Laughter)*

RANDALL BROWN, 8 CARNEY CIRCLE  
Dinner? Microwaves.

COUNCILMAN MULLIGAN  
It could be lean.

RANDALL BROWN, 8 CARNEY CIRCLE  
I'll end up going to Wegmans. But, Wegmans is a great store, and I think our Town Board is doing a great job with Henrietta, and Wegmans has a great record. I don't think it's about *(inaudible)*. I really think we should look at what is there now. It's ugly. There's no doubt about it, it's ugly. *(Applause)* So, if we have to make a change, something has to go there. Anything, I can't think of anything that could go there that would benefit the Town that would not cause more traffic, would not cause some of the problems that we're going to get, but looking at what they're planning to do can make a tremendous improvement to that area. So, I just wanted to take a small amount of time and say that I am for this. I live on Calkins, I mean, I live on Carney Circle off of Beaconsfield, and I am for the light because the same traffic that we're talking about now is uncontrollable at night. My daughter goes to Crane Elementary, and I don't think it's going to affect where Crane is located. It would not, I can't see that affecting the kids or the bus stops. In fact, the signal light should help. I just wanted to, I know change is hard for most of us, but this could be a very good thing. Thank you.

SUPERVISOR BREESE  
Thank you, Sir. *(Applause)* Mr. Pires, did you want to respond to a few of the comments and questions from the last speakers?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.  
Yes, Mr. Supervisor. I thought primarily they were just more comments, but I think if I picked up on the questions buried within those comments they were, number one, the whole issue, there's no other Wegmans stores in any other community with surrounding residential, which I think with just a quick tour around, whether it be Greece, Pittsford, Penfield, Perinton, we have residential abutting a vast majority of our developments. As far as the traffic study, both the New York State D.O.T. and County will be reviewing this as part of the whole SEQRA review process. Timelines, certainly we have to defer to them and their offices. We have no control over that. Other locations, certainly we've looked around this community and as noted in previous applications, and we stand by it today, that

this area is appropriate for our market based on a market analysis, and we've looked at the other sites around Town and they are just not suitable for our needs. As far as parking and drainage issues on our site, as noted in the plan, we will have a hundred and fifteen (115), a hundred and twenty (120) foot depth of green space, land forms, two (2) to three (3) feet high with evergreens, so those parking spaces certainly will be screened dramatically from the roadway. Drainage, we comply with State regulations as far as water quality considerations, as well as storm water detention, which is indicated by the detention basin at the northwest corner of this site. So, all of those points are addressed in the E.A.F. and are reviewed by both the Town's professionals, as well as governing agencies. I trust that answers all the questions. If there's more, I'll be glad to address them.

SUPERVISOR BREESE

Probably one more shot at the end. We're almost down to the end. Kevin Yost?

KEVIN YOST, 1474 MIDDLE ROAD

Kevin Yost, 1474 Middle Road. As you know, I opposed it the last two (2) times in 2002 and 2003. Mainly, my preference would be to keep the current small store. I know it's very easy to go in, get out and just getting a few things quick and it's very easy to find everything, you know, as opposed to, say Pittsford or Perinton, or even Hylan Drive, which it's very hard to get through, especially going in for a few things. Also, preference, this is a compromised, it's certainly not a perfect compromise. A perfect compromise would be to have a store on these fourteen point four (14.4) acres that's more like on Chili-Brooks. That would be the perfect compromise, but this store kind of is a compromise. I would like to see a few revisions, so, number one, I would like to see a traffic light at the east driveway across from Gloucester Circle in addition to the traffic lights on East Henrietta Road and at the west driveway across from Beaconsfield. Then secondly, I'd like to see the northeast out parcel store, I think it's supposed to be something like five thousand (5,000) square feet, I'd like to see that struck out and instead put, build, any space that would be vacated by the current store should just go through and, sort of similar to how the old Canandaigua store was divided into several restaurants and stores when they built the new store out there, and certainly, spruce up the current exterior of the current store should this new store be built and that store be subdivided into restaurants and stores and whatever. As for the Town Center, you know, this thirty (30) acres would be a good place for it. However, I would, the Golden Bear could be a good spot for that because that's midway in between East and West Henrietta Road, but I would prefer, and as Councilman Yudelson eluded to earlier, on East Henrietta Road between Gro-Moore and on that road, that could be the spot for the Town Center, as well as it would help revitalize the east hamlet on the thirty (30) acres, you know, and that could help, should this rezoning and this new store go through. Thank you.

SUPERVISOR BREESE

Thank you, Sir. *(Applause)* Marise Lippa? Are you here? *(Pause - no response)* I guess not. Glen Stark on Gloucester Circle? Is somebody here from 4 Gloucester Circle?

COLIN STAUB, 4 GLOUCESTER CIRCLE

*(From audience)* It=s Colin Staub.

SUPERVISOR BREESE

Colin Staub? I=m sorry. I can=t read this.

COLIN STAUB, 4 GLOUCESTER CIRCLE

That=s okay. Council Board members, again, I=m here. I became a Henrietta resident in October of 2001, and was immediately struck with, what do you think about Wegmans= proposed idea of putting in a store at the Dome site, and I had no idea when I purchased my house this was on the agenda. The traffic, what my neighbor Mark spoke of the traffic, and I remember the traffic that this gentleman sited a couple of years ago was in the off hours of a six hundred percent (600%) increase in that small parcel of land between East Henrietta and the eastern entrance, and in peak hours, over a thousand percent (1,000%) increase. You know, I heard a gentleman speak of pollution. I don=t know if anybody here knows anything about cars or an auto technician, but when they service the brakes on a car, they=re supposed to wear a respirator mask because of the asbestos in the brakes. Well, just in the one stretch of land, if you get a thousand percent (1,000%) more cars breaking turning into that, where=s all that dust going? It=s going in my front yard, it=s going in my yard. My six (6) year-old daughter, all right, is going to be breathing this. My six (6) year-old daughter, who I get off the bus every night as cars continue to go down Henrietta Road past the bus with Lisa, the bus driver, beeping her horn and holding the kids back with an arm because the cars are not stopping. I don=t think that=s going to improve any when we put a store there. I have five (5) children. We moved to Henrietta four (4) years ago so that we could get them in a better school district. A larger house, we moved from the City. We=re glad we made the move, we did at the time. Now, I=m in fear that I=ll never be able to recoup the money I put into this house, the purchase price of the house or the upgrades I put in. Just off the cuff, if, you know, Wegmans can go commercial, I=ve got road frontage on Calkins Road, can I put in a hair salon? Can I put in a dry-cleaner? Why can=t I rezone my property and, you know, put in a beauty salon? If you=re going to rezone for Wegmans, what about the little guys, I mean, that=s what you guys are here for, right? I mean, seriously. If I want to put in a chair, a couple of hair salon chairs and maybe an esthetic salon where they do nails and tanning, why not? They=re going to be at Wegmans. It=s going to be close. It=s going to be great for business for me. You know? I got the road frontage. Like I said, I have a six (6) year-old daughter, and I=m disappointed, I=m disappointed in my move to Henrietta because it=s as if Wegmans laughed at all of you. They went and bought the property anyway knowing that twice it=s been up for the proposed rezoning. They can laugh at me. I was a Henrietta, an employee of the Henrietta store. I worked in the deli. I=ll be the first one, as an employee of Wegmans to tell you that Wegmans needs a new store. That store is falling apart. It=s just where they want to put it and the impact it=s going to have on my life directly, my house. I=m just hoping I can find a realtor that has enough, I don=t know, that can find someone clueless enough to buy my house for at least what I paid for it. Thank you. *(Applause)*

SUPERVISOR BREESE

Sally Howard?

SALLY HOWARD, 24 KRAMER STREET

I'm Sally Howard from 24 Kramer Street, which is between East Henrietta and Pinnacle, so a majority of that eighty percent (80%) of traffic will be going by my neighborhood. Whether the rezoning happens or not, the Henrietta Town Board has a responsibility to protect the quality of life on the Calkins Road corridor, and I do appreciate that many more of the considerations of the residents have been considered in this third plan that's been proposed. I don't know if we're all the way there yet to protecting the quality of life on the Calkins Road corridor or not, but whether it's rezoned or not, there are issues that need to be taken care of. One is that even now, before the additional traffic, the traffic is vicious on Calkins Road. I've been there for fourteen (14) years, and I use to enjoy walking one (1) mile to Wegmans, or biking one (1) mile to Wegmans, and now I feel near to being killed almost every time I do that. The speed limits need to be enforced. People are driving on sidewalks at high speeds to pass other cars, whether or not there's pedestrians on the sidewalks, the sort-of semi-sidewalk thing. We have to pay attention to having crosswalks that actually allow a pedestrian to get across the street. I see young people all the time going from their houses to Wegmans on foot or on bicycles, and I think their lives are in jeopardy while they're doing that. Now, it will just be worse even then. I think we need to uphold the Comprehensive Plan. I like Wegmans. I shop at Wegmans. I hope we can find an arrangement that protects both the people and allows for a lovely new Wegmans. I have a question. What is the tax break arrangements that will be included in this property, because I've heard two (2) or three (3) people say tonight, and there'll be more tax base, but when is that, is there going to be a tax abatement for a certain number of years? If so, then we can't really promote the project as it will be great for the tax base. So, thank you for listening to all our comments.

SUPERVISOR BREESE

Well, thank you. (*Applause*) We will get an answer to that question. Just let me, there's one more speaker that's signed up. It's Jack, I can't read the last name, at 53 Cobblestone Drive.

JACK ACHILLE, 53 COBBLESTONE DRIVE

I'm a history teacher, and when you take a look at history and you take a look at the expansion of the cities and so forth, they went through all or many of the same problems that we're talking about today. I've heard such things as high prices, Wegmans has high prices. Well buddy, I'll tell you, if you haven't been to Krogers (*sp*) and you haven't been to Publics (*sp*), you don't know what high prices are. You talked about, I used to think like you, they're very expensive, but they're not when you analyze it. When I take a look at traffic, I moved here in '61 and I was able to get out of Cobblestone Drive onto Pinnacle Road without any difficulty whatsoever. But you know what? Today, it might take me five (5), maybe six (6), maybe seven (7) minutes to get out of that street. Why? Because of traffic. Now, let's put it this way. Do you want them to stop building houses down along Pinnacle Road? Do you want them to stop building houses down along East Henrietta Road? It's never going to happen. We are a society that's growing. We are many more

people coming into this area, and so as this area expands, we have to expand with it. Now, we (*inaudible*) around here. I'm seventy-seven (77) years old, and I looked around at you people and I say, you're close to my age, but you know what, I look at my daughter and I look at some of my younger friends and their friends, and you know what they say? Oh, I wish we had a Wegmans that is better than what we have here. We are complacent. We are selfish. We're looking at just one (1) store, okay, but look at it with the eyes of other people to understand that store could become the cornerstone of what we're looking for and what we haven been looking for in this Town for the past thirty (30) years, an error that would become the center. Maybe somebody could build around it. That area is plain ugly, and for those people who live across the way, yes, I have sympathy for you, but you have to understand that somewhere along the line that this kind of change was going to happen, and you're not going to stop it. Maybe you'll stop it today, but you won't stop it ten (10), twenty (20) years down the road. It's going to happen. It's going to expand as this community expands. So, consequently, we have to look at what has been proposed and say, this is good for our Town. Hey, you know what? I ride down East Henrietta Road from Hollybrook to Jefferson Road, and I look at those houses on the right-hand side, and they're ugly, and I'm ashamed. I say, my God, people who drive into this Town must look at those houses and say, whew, what kind of a community is this? Well, what's better? That, or what has been proposed? You stop and think about it. Don't be selfish. Think about those who are coming into the community and what they may perceive, what they may want. They are not, in fact, my wife loves to shop in the small store, but she would welcome the fact that there could be a better store. Every now and then we do go to Pittsford. Every now and then, we do go to the one across the street from Marketplace Mall. Why? Because she finds products there that are more suitable to what she likes. So I say to you, welcome this change. Welcome the fact that Wegmans, it just happens to be a small store, you know, but let's face it, we need a center. Maybe this will provide the incentive for other people to come in. You allowed a CVS on one corner, we have the cemetery on the other, we have Gro-Moore down the line. Hey, let's make it something, okay? That's the way I feel. So, let's wake up. Think of the future, not only of ourselves, but what is best for the community, and that's what is best for the community. Thank you.  
(Applause)

SUPERVISOR BREESE

Okay, now, that's everybody who has signed up to speak. Everybody's been called who signed up to speak. Now, is there anybody here who hasn't spoken and who didn't sign up that would like to speak? I want to be fair to everybody and give everybody a chance. Somebody who hasn't spoken and who didn't sign up? Yes, Sir.

HANS SCHWARZ, 23 AYRSHIRE LANE

I'm Hans Schwarz. I've lived in this community for almost fifty (50) years.

SUPERVISOR BREESE

Your address, just for the Record, Sir?

HANS SCHWARZ, 23 AYRSHIRE LANE

Hans Schwarz, 23 Ayrshire Lane. It=s our (*inaudible*) home. We lived there almost fifty (50) years. We raised our kids. We like it here. You guys are doing a good job. My wife took a liking to the superstore on Monroe Avenue, so she goes there. Now, if we build this superstore, I=m in favor for it. It would save my gas bill. (*Laughter and applause*) Thank you.

SUPERVISOR BREESE

Your name and address, please, for the Record?

TERRY BEEKMAN, 64 EAGAN BOULEVARD

My name is Terry Beekman, and I live on Eagan Boulevard, which is right off of Beaconsfield, and I really had no plans to speak tonight, then I=m sitting here listening to everything. Two (2) years ago, or three (3) years ago, I was totally against this Wegmans. I=ve seen the new plans and I have to say, it does look kind of nice, but when it comes right down to it, I like the green land. I like the park. I like seeing the kids walk that section of the road safely. Yes, over the years traffic has gotten worse. The road has been made wider. I=ve been on Eagan Boulevard for almost twenty (20) years. I love my home. We needed a bigger home. We chose, just this past year, to put almost Twenty Thousand Dollars (\$20,000) into a new addition. We plan on staying here. I agree with the gentleman two (2) speakers ago who said the East Henrietta Road mess up near the Holidome, which is, I believe, zoned as commercial, is a mess. I mean, those houses have all been turned into little businesses. They=re run down. I would suggest Wegmans look to buy a big section of that land, tear those ugly houses down and buy out those small businesses and build your superstore there where it=s already commercial zoned land. Leave our green space green. Leave our park for the kids to play. We don=t want to be looking, I know I=m going to hear noise from a Wegmans if that proposal goes in. I hear noise from the fairgrounds, which is a welcome noise, it=s a happy noise. It=s usually fun events, and I welcome that. But the thought of traffic, the thought of more street traffic on Calkins Road, yes, it is very, very difficult coming from Beaconsfield out onto Calkins. Why hasn=t the Town pursued getting a light there years ago? Why do we have to wait for a big corporation to come and build to give us reason to get a light there. We have reason now to have a traffic light there. The traffic issues. (*Applause*) We need a light there. We don=t need to have more commercial business go on Calkins Road to justify making our side streets safe. I think if we do not rezone this commercial and we keep it residential, the Town should look into pursuing getting a light at Beaconsfield. To every Board member here, just keep in mind if your home was on Calkins Road, would you want to look out your window and not see the greenery, and not see the children walking that stretch of road to the park? Would you welcome seeing a big brick building, an over-sized clock, and all that traffic? Would you really want to look out your window and see that? I noticed a lot of people who have spoken for it seem to be coming from farther out, West Henrietta Road, the south of Henrietta. How would they like it if a big superstore was built across from their Four Hundred Thousand Dollar (\$400,000) home? Why aren=t we looking, why isn=t Wegmans looking for some property south in Henrietta where a superstore could be used? They have no big stores out that way. There=s no Tops, there=s no Wegmans. There=s the Big M, and that=s about it. How many people from that area do you think would be so

welcome to say, well, come up the road from our Four Hundred (400), Five Hundred Thousand Dollar (\$500,000) homes and build a stretch of superstore? I don't think they would be any more eager for that than I am for it to be built on Calkins Road. So, please, Wegmans is a great store. I prefer the small store myself. I work in a big home store that is a hundred and thirty thousand (130,000) square feet. I cannot conceive going to get my groceries at a store as big as the one I work at, and I know if the smaller Wegmans is closed, I don't shop at the Hylan Drive right now, I have never been in the Pittsford store because of the size, I know I will change my shopping habits. I will go to Sam's Club for the bulk of my groceries maybe once a month because I will not have, I do not have the physical stamina myself to walk a superstore to get my groceries. So, please consider all factors. Thank you. *(Applause)*

SUPERVISOR BREESE

Thank you. No, I called that gentleman. I'll call you after him. Your name and address, please, for the Record.

LARRY PERRIN, 326 GALAHAD DRIVE

My name is Larry Perrin, 326 Galahad Drive. I wish I could speak as eloquently as the Doctor, but one thing I can do is make it brief. I think Wegmans is good for Henrietta, and I think the Board should consider the majority of the people. Thank you.

SUPERVISOR BREESE

Thank you, Sir. Yes?

MIKE DAVIS, 39 STRAWBERRY HILL ROAD

My name is Mike Davis. I live at 39 Strawberry Hill Road. I'm kind of on the fence about this. One small comment about the looks of it, I was just thinking if people don't want to look at it, I don't know if they've thought about building a berm like they have around golf courses and stuff. But my thinking, just common sense tells me, it reminds me of a Kevin Costner movie, if you build it, they will come. I mean, if they say traffic is not going to change much, my common sense is telling me that if they build a bigger store, more people will come. I don't know if that's a good thing or a bad thing, but I'm just going by my common sense that says if they build a bigger store, there's going to be more. That's all.

SUPERVISOR BREESE

Thank you very much. *(Applause)* Did you speak before?

RESIDENT

*(From audience - inaudible)*

SUPERVISOR BREESE

Okay.

THERESA MESSINEO, 288 LYCOMING ROAD

Theresa . I live at 288 Lycoming Road, and first of all, I want to say that not everybody is

from West Henrietta that is speaking here tonight. We live across, almost from the East Henrietta store, and we deal with traffic there. I don't know how you think that it's going to be any different being on Calkins when people that have lived off of East Henrietta have dealt with the same traffic with the East Henrietta store and coming from there. So, I although feel sorry for some of the people who live across the way, I do realize that it will give more traffic to them coming down, you can't make a decision for the few, based on the few for the many of Henrietta. Your job is to do it for all of Henrietta and not just the few people that live across the way. I know their lives may be changed more, but in essence, if I lived across the street, I would walk to go to the store. I wouldn't drive, necessarily, and it would be easier in the long run. I think it's good for the Town. I think that, I'm with the gentleman over here who said we need to grow. Henrietta has always been a growing Town, and I don't think we should change that now. I just feel that we should vote yes for this. Thank you.

SUPERVISOR BREESE

Thank you. *(Applause)* Mr. Pires, do you want to . . . oh, yes, Sir, did you want to speak? I didn't see you over there.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Linus Rautenstrauch, 1412 Martin Road, West Henrietta, New York. I'm not so much concerned about the location of Wegmans, but if you're concerned regarding traffic, I don't think the Town is in business to enforce the Vehicle and Traffic Law on Calkins Road or East Henrietta Road. What you might want to do is contact, and if you have already, the Monroe County Sheriff's Department or the New York State Police and get together with them, petitions, whatever you have to do, show the numbers and get out there and talk to them and let them take care of the Vehicle and Traffic Law. I don't know if the Town is in the business for enforcing the Vehicle and Traffic Law, but I know it's a real problem. I just realize that they've got their duties and obligations, and so do the police, and the school district, I know that they are in tune with the Sheriff's Department quite a bit, and I think that's the way to go.

SUPERVISOR BREESE

Thank you, Sir. Mr. Pires, we've heard all the speakers. . . *(tape being switched)* . . .

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Yes. I heard two (2) last questions that I'll address, if I might. One on the real estate, taxes, we do, we will pursue as far as construction material. There's a program out there for tax incentives on that. That's my understanding, that would be the only one. Mr. Ralph Uttaro . . .

SUPERVISOR BREESE

Your name and your position?

RALPH UTTARO, SENIOR VICE PRESIDENT, WEGMANS FOOD MARKETS, INC.

There aren't any tax abatements we're going to be seeking on this project other than 45-B

of the Tax Law, which is available to any commercial development, you get an abatement over the first ten (10) years. But, we don't currently have any plans to seek any other specific tax deals, and as mentioned earlier, the property currently is tax-exempt and is not creating any taxes. So, there will be a pretty substantial increase in taxes to the Town.

SUPERVISOR BREESE

Thank you, Sir. Is there anything else?

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

There was one other question about the Town pursuing, why can't the Town pursue at Beaconsfield and Calkins at this point. As indicated in the traffic study that we, our signal at Beaconsfield and Calkins would be warranted with the incremental traffic, which, taking that backwards, without a development such as ours, the traffic would not be sufficient to warrant a signal at that location today. That's my understanding.

RESIDENT

*(From audience - inaudible)*

ARTHUR PIRES, WEGMANS FOOD MARKETS, INC.

Beaconsfield and Calkins, correct.

SUPERVISOR BREESE

Okay. Thank you. Okay. I want to thank you all for coming. This is the end of the meeting. I'm going to adjourn the Public Hearing. We are not voting tonight. The Board will have to decide when we want to vote, but I thank you for your patience, for coming, and everybody have a good night. Okay? Thank you.

*(Brief intermission)*

SUPERVISOR BREESE

We've got about five (5) minutes of business here. May I have the first Resolution, please?

RESOLUTION #12-140/2005

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 6/1/05	\$ 230,218.00
EXHIBIT B	Manual Bills Payable	\$ 270.30



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

RESOLUTION #12-142/2005

On Motion of  
Councilwoman McCabe

Seconded by  
Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Beverly Clark Tinker Homestead, Seasonal Laborer @ \$8.00/hr., effective  
5/15/2005.

Recreation      As per the Attachment

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 it.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 11:00 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk