

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

ORDER OF BUSINESS

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Public Presentation/Agenda Items
5. Approval of Minutes of the Preceding Meeting(s) - June 15, 2005
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

RESOLUTION #14-154/2005

Authorize Accounts Payable

RESOLUTION #14-155/2005

Require Owner, Richard W. Knowlton, to Remedy Code Violations for Property Located at 1344 Pinnacle Road

RESOLUTION #14-156/2005

Request State Officials to Review New York State Law to Prevent Expansion of Eminent Domain Powers

RESOLUTION #14-157/2005

Call for Public Hearing - Proposed Rezoning of Land Located on Bailey Road, I Gordon Realty Corp.

RESOLUTION #14-158/2005

Authorize Rezoning and Approval of Special Permit - Land Located on Southwest Corner of East Henrietta and Erie Station Roads, Erie Station Property, LLC

RESOLUTION #14-159/2005

Adopt Local Law No. 2 of 2005 - Additions/Changes to the Town Code of the Town of Henrietta to Include Provisions for Rural Residential Districts

RESOLUTION #14-160/2005

Authorize Advertisement for Bids - Guildhall Road Sanitary Sewer Repair Project

RESOLUTION #14-161/2005

Authorize Attendance at Youth Sports Congress Conference

RESOLUTION #14-162/2005

Authorize Advertisement for Bids - Excavation, Removal and Replacement of Current Foundation - Horse Barn - Tinker Homestead Farm and Museum

RESOLUTION #14-163/2005

Authorize Re-Appointment - Henrietta Historic Site Committee Member

RESOLUTION #14-164/2005

Declare Items Surplus Materials

RESOLUTION #14-165/2005

Authorize Personnel Items

PURSUANT TO CALL A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, WAS DULY HELD AT THE HENRIETTA TOWN HALL, 475 CALKINS ROAD, HENRIETTA, NEW YORK ON THE 20TH DAY OF JULY, 2005 AT 8:00 P.M.

MEMBERS PRESENT

ABSENT

MEMBERS

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

SUPERVISOR BREESE

Is there anyone that would like to speak on Agenda items? Just Agenda items at this time? Yes, Mam? In the front row.

RACHEL WARREN, 59 TOMAHAWK TRAIL

I was looking at the agenda and it said that you did a Negative Declaration on the rezoning of the land south of the Thruway, Rural Residential, and you saw there were no significant environmental impacts. I think there's some people who disagree with that. There's been a study done by the Cornell Cooperative Extension that shows that this kind of a development effectively damages the continuation of farming. I think also, we have not implemented much of what was recommended concerning farming in the 2003 Comprehensive Land Use Plan, such as seeking grants to preserve farmland, to use transfer of development rights, to work with the farmers, to talk with the farmers. I believe Mr. Howlett spoke at the last Public Hearing and said that once you do this, it's going to affect the drainage for the farmers and it's going to be detrimental to their keeping their farms afloat. Secondly, it's going to have a negative impact on our taxes, I think, over the long-term because preserving farms controls taxes, and we are continuing to build more and more and that means we're building more infrastructure that's more expensive to maintain and this process seems to be continuing. So, I think this is going to have a very big impact on our community over the long-term, and I'm very sad that we have not taken the advice that we paid for in the Comprehensive Plan and aggressively pursued preserving our farms. Thank you.

SUPERVISOR BREESE

Thank you. Anybody else? Yes, Sir?

JOHN SCHMITT, 66 FAWN RIDGE ROAD

Many times I stand here and speak with an opinion that's different than that of the Board, but tonight I want to stand here and say I really want to support the Resolution, Resolution #14-156, that has to do with the Eminent Domain situation that was precipitated by the

ruling by the Supreme Court. Since we really, at least in my opinion, can't rely on what may come or not come out of Albany, I hope that this Resolution is passed by this Town Board and it becomes the belief and it becomes the practice of the Town of Henrietta that will continue to have the respect for people's property in that situation. So, I support this a hundred and ten percent, if you will.

SUPERVISOR BREESE

Thank you very much. I can assure you, we will push this very strongly. Yes, Sir?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Good evening. I have a comment and a question with regard to item 14-158, the authorization of rezoning and the approval of a Special Permit for the land at the southwest corner of East Henrietta and Erie Station Road. When there was a Public Hearing on this matter I had strongly urged that the Board consider a special kind of zoning for senior citizen zoning. I understand that has not been the Board's decision at this point. I also, in reading the Resolution, recognize the fact that the essential purpose of such a zoning has been achieved by the stipulations that have been placed in that. But I would still suggest that the Board might want to consider that as something to have on their Agenda for the future because I suspect that at some other time down the line, someone else will want to come with such a concept and that at that time, it might be appropriate to have available a special senior citizen zoning that essentially meets the criteria outlined in the restrictions. I do have one question, however, about those restrictions. One of the items stipulates that if the Applicant were to sell the property or any subsequent owner were to sell the property, there must be at least one (1) person age fifty-five (55) or above, a resident in the property. Now, that doesn't make clear that it has to be sold to someone of that age. It only stipulates that it has to be a person of that age living in the property at the time of the sale. Now, maybe I misread that, but is that the intent of that specific paragraph?

SUPERVISOR BREESE

Mr. Mastrella?

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, it is, because as testified to by the Applicant and the like, either under an ownership or a lease program, the intent is to have, for it to be senior housing, and that is to have a resident over fifty-five (55). If a resident over fifty-five (55) perhaps had his children purchase the property and hold it in their names but lease it to him, that would be permissible under this, so that somebody who resides there is over fifty-five (55), and that's the intent of the senior zoning.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay. I understand that, but that's not the question I'm raising. The question I'm raising is that the phrasing, as I read it, says at the time of the sale, one (1) person of that age must be a resident. It does not indicate that the person to whom it is being sold meets those criteria.

DANIEL MASTRELLA, TOWN ATTORNEY

It should say . . .

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I know it should say. That's not what it does say.

SUPERVISOR BREESE

Why don't you let him finish?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I'm sorry. Excuse me.

COUNCILMAN MULLIGAN

What's the section?

SUPERVISOR BREESE

No, I want to let him finish.

DANIEL MASTRELLA, TOWN ATTORNEY

In the Resolution, "the Applicant and subsequent owners of the property may not enter into an agreement for sale unless at the time of the sale such unit will be occupied by at least one (1) person fifty-five (55) years or older." That's the proposed Resolution.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

That's right, and as I read that, it could be interpreted as meaning that at the time of the sale the person who sells it has to be fifty-five (55) or an occupant has to be fifty-five (55). It does not make it clear that the person who it's being sold to meets that criteria.

DANIEL MASTRELLA, TOWN ATTORNEY

The clear intent is, and actually in the drafting of it, the wording was changed for if someone is fifty-five (55) to somebody will be fifty-five (55) to make it clear that that's the intent.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay. So, it's clear from, that the Board's understanding is that applies to the purchaser as well as the seller?

DANIEL MASTRELLA, TOWN ATTORNEY

That applies to the purchaser, that's correct.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I'm sorry?

DANIEL MASTRELLA, TOWN ATTORNEY

It applies to the purchaser.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Purchaser, okay. That's the question I had. It doesn't say that, but if that's the intent, I think that's established now by the Board's intent.

SUPERVISOR BREESE

Thank you for raising that issue.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Thank you.

SUPERVISOR BREESE

Anybody else? Any other - yes, go ahead.

KEVIN YOST, 1474 MIDDLE ROAD

I also have a comment about Resolution #14-158/2005, authorizing the rezoning and approving the Special Permit on the southwest corner of East Henrietta and Erie Station Roads. I guess my personal preference, first of all, I have nothing against senior housing. I may wind up there myself someday.

SUPERVISOR BREESE

Yes, we've heard that before from a lot of people.

KEVIN YOST, 1474 MIDDLE ROAD

Anyhow, I guess my personal preference for that land is that the entire forty-five (45) acres, not just however much acreage they want to give to the Town for forever wild. There's a buffer or whatever of the entire forty-five (45) acres be a Town park. It could have soccer fields or baseball fields, picnicking, you know, just so there's a park and the parcel at the historic former reservoir will be added as well as any later down the road that the old school house have it, similar to the Penfield schoolhouse, but that, you know, in case this, in case it's not approved or in the case that the builder decides not to build after all even if it does get approved. Thank you.

SUPERVISOR BREESE

Thank you, Sir. Anybody else on Agenda items only at this time? *(Pause - no response)* If not, may I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of June 15, 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
 May I have the first Resolution, please.

RESOLUTION #14-154/2005

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 7/20/2005
 \$ 649,874.79

EXHIBIT B

Manual Bills Payable

\$ 129.00

SUPERVISOR BREESE
 Discussion? Call the roll, please.

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

Carried

RESOLUTION #14-155/2005

On Motion of

Councilman Mulligan

Seconded by

Councilman Yudelson

WHEREAS, the Town Board of the Town of Henrietta, New York (the "Town") is aware of several violations of the Code of the Town of Henrietta (the "Code") by the Owner, Richard W. Knowlton, or Occupant, or both (the "Owner/Occupant") of the premises known as 1344 Pinnacle Road, Tax Account Number 190.02-1-14, in the Town of Henrietta, and

WHEREAS, said violations are known to be a part and parcel of a series of continuous violations of the Code resulting in the past incarceration of the Owner/Occupant without obtaining compliance with the Code, and

WHEREAS, the Town has authority pursuant to Section 205-14 of the Code to adopt a Resolution requiring the Owner/Occupant, or both, as the case may be, to remedy such violation, specifying the nature of the work to be done and the time within which it shall be completed, and

WHEREAS, if after a notice of the adoption of such Resolution has been served upon such Owner/Occupant, or both, and such Owner/Occupant shall neglect or fail to comply with the requirements of such notice within the time provided therein, then the Town shall authorize the work to be done and pay the cost thereof out of general Town funds to be appropriated by the Town for such purposes, and

WHEREAS, the Town shall be reimbursed for the cost of the work performed or services rendered, by direction of the Town pursuant to Section 205-14 of the Code, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered, and

WHEREAS, the expenses so assessed shall constitute a lien and charge on the real property on which they are levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

THEREFORE, BE IT RESOLVED, that the Owner/Occupant has until August 31, 2005 to remedy the Code violations at 1344 Pinnacle Road as follows:

1. The temporary covering on the roof of the premises shall be removed and such repairs or replacement of said roof shall be completed so as to protect the premises from deterioration and weathering , to prevent its collapse, to keep water from entering the building and to prevent undue heat loss.

2. The northern exterior of the premises shall be sided or painted so that all exposed surfaces are repaired, coated, treated or sealed to protect them from deterioration or weathering.

3. The soffits and fascia of the western exterior of the premises shall be sided

or painted so that all exposed surfaces are repaired, coated, treated or sealed to protect them from deterioration or weathering.

4. All wrecked or unlicensed vehicles shall be housed, fully enclosed, in a garage or other legal structure.

5. All garbage and refuse, as defined by the Code, shall be disposed into appropriate facilities in a clean and sanitary manner.

BE IT FURTHER RESOLVED, that upon the neglect or failure of the Owner/Occupant to comply with the requirements stated herein above:

1. The Town shall authorize the aforesaid work to be done and the services to be provided and shall pay the costs out of general Town funds.

2. The Town shall be reimbursed for the cost of the aforesaid work performed or services rendered, by assessment and levy upon the lots or parcels of land known as 1344 Pinnacle Road.

3. The expenses so assessed shall constitute a lien and charge on the real property on which they are levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

4. Notice of this Resolution shall be served on the Owner/Occupant of 1344 Pinnacle Road by Registered or Certified mail.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just . . .

COUNCILWOMAN ZINCK

Just . . .

COUNCILMAN MULLIGAN

Go ahead.

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, I just want to say, although we never like to do this to a resident, I appreciate the Code Enforcement team for staying on top of this because I think it's really important that we keep our standards high in Henrietta, and I'm glad to see that we're enforcing the Code.

COUNCILMAN MULLIGAN

Just secondly, if you could please get back to us within the next six (6) weeks and let us

know the result of these efforts. I know it's not easy to clean up people's property.

SUPERVISOR BREESE

Yes.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

Call the roll, please.

Duly put to a vote:

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

RESOLUTION #14-156/2005

On Motion of

Supervisor Breese

Seconded by

Councilwoman McCabe

WHEREAS, the United States Supreme Court has recently issued a decision authorizing local government in New London, Connecticut to seize private property and turn it over to other private interests, and

WHEREAS, such an egregious expansion of the eminent domain powers of government is contrary to the Fifth Amendment to the United States Constitution which protects property owners from such seizure unless it is for legitimate public purposes such as roads, parks or other specific government activities, and

WHEREAS, the Henrietta Town Board views with alarm any effort to broaden the eminent domain process by giving government the authority to take private property, for reasons other than such legitimate public purposes, to directly benefit another private entity.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board calls upon Governor George Pataki and the State Legislature to review the Law in New York State to ensure that the rights of private property owners are protected against arbitrary takings, as occurred in New London, and that any necessary changes in State Law be enacted to accomplish this.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Pataki, the leaders of the State Legislature and our local representatives in Albany.

SUPERVISOR BREESE

I think you're going to see a lot of other Towns doing this, and there's a lot of outrage around the state about what happened in Connecticut, and we want to make sure it doesn't happen in New York. Call the roll, please.

Duly put to a vote:

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

RESOLUTION #14-157/2005

On Motion of

Councilman Yudelson

Seconded by

Councilwoman McCabe

WHEREAS, the Town Board of the Town of Henrietta has received a request from the Owner, I Gordon Realty Corp., of the parcel of land located on Bailey Road, identified as Tax Account Number 161.19-1-1.1, to consider the rezoning of approximately 14.4 acres from Residential R-1-15 to Commercial B-1, and

WHEREAS, maps and descriptions of the lands under consideration are on file in the Office of the Town Clerk, and

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

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

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

WHEREAS, the Henrietta Town Board declares its intent to be the Lead Agency for the Environmental Quality Review under the New York State Environmental Quality

Review Act (SEQRA).

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board be and is hereby authorized to distribute a Notice of Intent to serve as Lead Agency to all interested agencies for a coordinated review pursuant to 6NYCRR 617.6 and 617.12.

BE IT FURTHER RESOLVED, that a Public Hearing on the rezoning request will be held on August 17, 2005 at 8:00 P.M. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York 14467, to consider rezoning said property from Residential R-1-15 to Commercial B-1.

BE IT FURTHER RESOLVED, that provided no other involved agency indicates a desire to serve as Lead Agency within thirty (30) days of the date of the Notice of Intent to Serve as Lead Agency, the Henrietta Town Board shall serve in that capacity in accordance with SEQRA regulations.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #14-158/2005

On Motion of

Supervisor Breese

Seconded by

Councilman Mulligan

WHEREAS, the Town Board has received a request for rezoning from the Owner, Erie Station Property, LLC, for the rezoning of approximately 45.1 acres of land identified as Tax Account Number 189.02-1-8.1 located on the southwest corner of East Henrietta and Erie Station Roads from Residential R-1-20 to Residential R-2-15, and

WHEREAS, the Town Board has also received a request from the owner for a Special Permit under Section 295-12 of the Town Code to authorize use of portions of the property for Multiple Dwellings, and

WHEREAS, a map and description of the land under consideration are on file in

the Office of the Town Clerk, and

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

WHEREAS, pursuant to SEQRA, such an Action is a Type I Action, and

WHEREAS, an Environmental Assessment Long Form (EAF) has been prepared and reviewed for the proposed rezoning and the Town Board has completed Part II and Part III of the EAF, and

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

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

WHEREAS, the Henrietta Town Board has identified all potentially adverse environmental impacts pursuant to SEQRA and taken a hard look at the environmental issues raised by this request, all pursuant to Section 617.4 of SEQRA, and

WHEREAS, pursuant to an Order, a Public Hearing was held on May 18, 2005, and

WHEREAS, the Owner's proposal will require other governmental approvals, including but not limited to, site plan approval from the Town Planning Board.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency status for the environmental review of the above-described rezoning under the State Environmental Quality Review Act (SEQRA) and has determined that the proposed action therein described, including the proposed zoning change and the proposed issuance of a Special Permit authorizing use of portions of the property for Multiple Dwellings, will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be required and therefore issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms and adopts the rezoning of approximately 45.1 acres of land identified as Tax Account Number 189.02-1-8.1 located on the southwest corner of East Henrietta and Erie Station Roads from Residential R-1-20 to Residential R-2-15, upon the terms and conditions set forth on the Record at the Henrietta Town Board Public Hearing held on May 18, 2005, and including specifically:

1. The easterly portion of the property will be used for a two-story Independent Living residence with approximately 96 apartment suites, including approximately 64

one-bedroom units, 16 studio unites and 16 one-bedroom plus den/bedroom units. Each unit shall be occupied by at least one (1) person fifty-five (55) years of age or older. The residence will also be designed to include dining room(s), fitness facilities, living rooms, music rooms, library, hairdresser, wellness suite and recreation and craft rooms.

2. The center portion of the property shall be used for up to 29 building groups containing up to 104 housing units for rent or sale.

3. The westerly portion of the property, as offered by the Applicant, and containing approximately ten (10) acres, shall be conveyed to the Town of Henrietta.

BE IT FURTHER RESOLVED, that a Special Permit be, and it hereby is, issued for the use of the easterly and center portions of the property for multiple residences upon the terms and conditions set forth on the Record at the Henrietta Town Board Public Hearing held on May 18, 2005, and including specifically the following requirements:

1. That the housing units in the center portion of the property be designed, built and operated in accordance with design and operational criteria which are customary for senior housing per the attached "Schedule A."

2. That the Applicant and subsequent owners of the property may not enter into a lease of a unit unless at the time of such lease such unit will be occupied by at least one (1) person fifty-five (55) years of age or older.

3. That the Applicant and subsequent owners of the property may not enter into an agreement for the sale of a unit unless at the time of such sale such unit will be occupied by at least one (1) person fifty-five (55) years of age or older, and any homeowners association formed in connection with the sale of such units shall enforce the requirement that at the time of sale such unit will be occupied by at least one (1) person fifty-five (55) years of age or older.

BE IT FURTHER RESOLVED, the Board reserves the right to modify the design and operational criteria contained in "Schedule A" at the request of the Owner upon a showing that the criteria will prevent orderly development of the property in a manner consistent with the best interests of the Town.

BE IT FURTHER RESOLVED, the Board hereby makes the following findings based on the Board's own knowledge and investigation and from testimony and other information submitted to the Board in connection with the owner's request:

1. The proposed use of portions of the property for multiple dwellings will not have an undesirable impact on the orderly development and character of the neighborhood of the proposed use, upon the development and conduct of other lawful uses in the vicinity, or upon the property values of other properties in the vicinity.

2. The proposed use will be in harmony with the existing and probable future

development of the neighborhood in which the property is situated.

3. While there are few similar multi-family developments in the immediate area, there is a demonstrated need for alternative housing opportunities in the Town, and the Town and its citizens will benefit from the availability of independent living facilities and multi-family developments required for occupancy by persons fifty-five (55) years of age and older.

4. The requirement that the housing units in the center portion of the property be designed, built and operated in accordance with design and operational criteria described in "Schedule A" provides assurance that the property will be occupied by persons fifty-five (55) years of age and older.

5. The proposed use will not be a nuisance in law or in fact and will not be noxious, offensive or injurious by reason of production of or emission of dust, smoke, refuse, poisonous substances, odors, fumes, noise, radiation, vibration, unsightliness or similar conditions or will contaminate waters.

6. The proposed use will not create hazards or dangers to the public or to persons in the vicinity from fire, explosion, electricity, radiation, traffic congestion, crowds, parking of automobiles or other causes.

SUPERVISOR BREESE

Under discussion, we've had two (2) months, or more, of discussions and input on this, and I'm very pleased that we're at this point now where we can deliver on a commitment we've made to the people in Henrietta that we will support good senior housing projects, and this is one of those kind of projects, and while we can't make everybody happy I think it's the right thing to do. When I look at the projects that they have, the same developer has in Penfield, Greece, Brighton and so forth, I'd like to see a project like this in Henrietta. I think we deserve it, and I think it's a very good use of the land, and I'm very proud to support this Resolution.

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, I would only ask that when it comes time for the sale or the lease and the development of an association, that the Town be given copies of the association rules, a copy of the lease and a copy of the sale, the deed agreements so that we can see that the stipulation of age fifty-five (55) and older is in those documents.

SUPERVISOR BREESE

That's fine. That will be done. Anybody else? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye

Councilwoman Zinck
Supervisor Breese

voting Aye
voting Aye
Carried

RESOLUTION #14-159/2005

On Motion of

Councilman Mulligan

Seconded by

Councilwoman Zinck

WHEREAS, since the completion of the Town's 2003 Comprehensive Land Use Plan, real estate development has been spreading towards the southern boundary of the Town of Henrietta, placing increasing pressure on the Town's infrastructure and remaining rural character, and

WHEREAS, in response thereto, the Town had established a Moratorium on the subdivision of land south of the New York State Thruway in order to study methods of protecting the rural character of this area of the Town, and

WHEREAS, the Town retained Behan Planning Associates, LLC, who consulted the Town and held a series of informational meetings with Town residents and officials, resulting in the proposed Local Law No. 2 of 2005, adding the Rural Residential District, comprising two (2) sub-districts to the Town of Henrietta Town Code, and

WHEREAS, the Rural Residential District offers an open space incentive option to allow future subdivision in this District to be creatively designed so that new homes are located in the landscape in a way that protects the rural character of Henrietta and allows for the protection and enhancement of the rural landscape and natural resources while establishing standards by which the Planning Board may increase the maximum density in return for the open space preserved, and

WHEREAS, the Application is deemed a Type I action under the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder, and

WHEREAS, the Town Board declared its intent to act as Lead Agency under SEQRA, and

WHEREAS, the Town Board, as duly constituted Lead Agency for purposes of conducting the required review under SEQRA has carefully reviewed all the materials in connection with such review, including the Environmental Impact Assessment and all other Application materials, and

WHEREAS, upon proper notice a Public Hearing was held on the 4TH day of May, 2005 where all persons wishing to speak regarding this amendment were heard by the Town Board, and

WHEREAS, the Town Board has identified all potentially adverse environmental impacts pursuant to SEQRA and has taken a hard look at such potential impacts.

THEREFORE, BE IT RESOLVED, pursuant to SEQRA, the Town Board of the Town of Henrietta, acting as Lead Agency, determines that the amendment creating the Rural Residential District will not result in any significant negative environmental impacts and hereby issues a Negative Declaration for said amendment, in accordance with SEQRA.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby adopts the amendment contained in Local Law No. 2 of 2005, creating the Rural Residential District as described on the map and descriptions contained therein.

BE IT FURTHER RESOLVED, that the description contained in Henrietta Town Code §295-67 2(a) is hereby deleted in that it conflicts with Local Law No. 2 of 2005.

BE IT FURTHER RESOLVED, that said Local Law be designated Local Law No. 2 of 2005.

BE IT FURTHER RESOLVED, that within twenty (20) days subsequent to the 20TH day of July, 2005, there shall be filed with the Secretary of State one (1) Certified copy of said Local Law No. 2 of 2005.

SUPERVISOR BREESE

I just have a question for the Town Attorney. This Resolution, if it passes, which I think it will, when would it legally become effective? In the twenty (20) days?

DANIEL MASTRELLA, TOWN ATTORNEY

Yes. We'll file it with the Secretary of State.

SUPERVISOR BREESE

Thank you.

COUNCILMAN MULLIGAN

Just one (1) comment. One of the things I wanted to see to come out of this would be a minimum of half (½) acre parcels south of the Thruway. If that's happened, I think most of them will be one (1), two (2) and five (5) acres. It should slow down development south of the Thruway dramatically. I know a lot of developers do not like this, but I think it's the right thing for the residents, and I'm very optimistic, it improves our Code.

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, I will support this Resolution. I think it's a long time in coming. I think what we have to do, too, is impress upon the Planning Board that as projects come into them as this rezoning takes place in this Code, in this plan, that they take a look at the contiguous farmland as outlined by Farmer Howlett. We very rarely get farmers in here that talk to us about the land, and I think that the, it's up to the Planning Board now to take a look at it as each project comes in to make sure that this does not cut off the farmer's access to the farmland behind the project. So, I think we have to impress upon the Planning Board that that's the intent of this Board. I believe that's the intent of this Board.

SUPERVISOR BREESE

Yes. Thank you. That's a good comment.

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, I also will be supporting this Resolution. I agree, it is a long time in coming. It's the responsible thing for us to do as a Board, and I thank all of you that

have also contributed to this proposal. A lot of you gave your feedback. I think it was considered very much by Behan, and thank you for taking the time to do that.

SUPERVISOR BREESE

Okay. Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #14-160/2005

On Motion of

Councilwoman McCabe

Seconded by

Councilman Mulligan

WHEREAS, the Town of Henrietta requires bids for the Guildhall Road Sanitary Sewer Repair Project for the spot repairs to the existing sanitary sewer on Guildhall Road between Calkins Road and Princess Drive, to conform with construction plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Wednesday, August 31, 2005 and received no later than 9:30 A.M. on Wednesday, August 31, 2005.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Guildhall Road Sanitary Sewer Repair Project as per cited plans and specifications on file in the manner provided by Law.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #14-161/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilman Yudelson

WHEREAS, the Director of Recreation and Youth Bureau, Regis P. Steinkamp, has requested authorization to send David Moriarty to the International Youth Sports Congress Denver, Colorado from September 16, 2005 to September 18, 2005, and

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

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

THEREFORE, BE IT RESOLVED, that David Moriarty be hereby authorized to attend the three (3) day Youth Sports Congress at a cost not to exceed \$450.00, to include Congress Registration, hotel accommodations and meals.

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

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye

Councilwoman Zinck voting Aye
Supervisor Breese voting Aye
Carried

RESOLUTION #14-162/2005

On Motion of
Councilman Mulligan
Seconded by
Councilwoman McCabe

WHEREAS, the Town of Henrietta requires bids for the excavation, removal and replacement of the current foundation of the horse barn at the Tinker Homestead Farm and Museum located at 1585 Calkins Road in the Town of Henrietta, to conform with bid specifications on file in the Town Clerk's Office, with bids to be opened at 9:45 A.M. on Wednesday, August 31, 2005 and received no later than 9:30 A.M. on Wednesday, August 31, 2005.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the excavation, removal and replacement of the current foundation of the horse barn at the Tinker Homestead Farm and Museum, as per cited bid specifications on file, in the manner provided by law.

SUPERVISOR BREESE
Discussion? Call the roll, please.

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

RESOLUTION #14-163/2005

On Motion of
Councilwoman McCabe
Seconded by
Councilwoman Zinck

WHEREAS, the term of Marlene Wilson, Henrietta Historic Site Committee, expired as of December 31, 2004, and

WHEREAS, Ms. Wilson has requested reappointment, and

WHEREAS, the Henrietta Town Board wishes to maintain the Boards at their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Marlene Wilson, 740 Brooks Road, West Henrietta, New York 14586, be reappointed to the Henrietta Historic Site Committee for the remainder of the four (4) year term effective July 20, 2005 and expiring December 31, 2007.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN
Just under discussion, it's good to see two (2) old friends back together.

SUPERVISOR BREESE
I'm not sure what that means. *(Laughter)*

COUNCILMAN MULLIGAN
I think you do, Sir.

SUPERVISOR BREESE
It doesn't really matter. Call the roll, please.

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

RESOLUTION #14-164/2005

On Motion of

Councilman Yudelson

Seconded by

Councilwoman Zinck

WHEREAS, the Town Clerk and the Superintendent of Highways have requested that the following items be declared surplus materials:

Inventory #

Description

3133

Plate Assembly - Microfilm

Read/Print

3542

Swivel Office Chair

WHEREAS, the Commissioner of Public Works has requested that the items on the attached list be declared surplus materials.

THEREFORE, BE IT RESOLVED, that the items described above and as attached be declared surplus materials and be sent to the Parks and Facilities Department for disposal.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #14-165/2005

On Motion of

Councilman Mulligan

Seconded by

Councilman Yudelson

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

Linda Kelley Court, Court Clerk @ \$12.76/hr. from \$12.26/hr., effective 7/25/2005.

BE IT FURTHER RESOLVED, that the following employees be given an additional day's pay for unused sick leave (per Labor Agreement):

Lawrence Harper, Ronald LaRocca, Marie Leonardi, Joseph Losavio, David Moriarty, Diane Watts and Tracey Wenzel

SUPERVISOR BREESE

Discussion? Call the roll, please.

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

SUPERVISOR BREESE

That's the end of the regular meeting. Before we adjourn, are there any other items that anyone wants to bring up involving the Town?

DANIEL DIXON, 200 MIDDLE ROAD

I just want to clarify the Moratorium on land south of the Thruway. It's twenty (20) days before anything can be submitted?

SUPERVISOR BREESE

You mentioned the Moratorium?

DANIEL DIXON, 200 MIDDLE ROAD

I'm sorry, I just wanted to know what the Moratorium, for the land being subdivided south of the Thruway.

SUPERVISOR BREESE

The Moratorium expired June 30TH.

COUNCILMAN MULLIGAN

Are you talking about the new zoning?

DANIEL DIXON, 200 MIDDLE ROAD

As far as subdividing a piece of land for one (1) house.

SUPERVISOR BREESE

The Resolution we passed tonight about the new zoning districts south of the Thruway becomes effective in twenty (20) days. Is that correct?

DANIEL MASTRELLA, TOWN ATTORNEY

That's correct.

DANIEL DIXON, 200 MIDDLE ROAD

That's what I wanted to clarify. Thank you.

SUPERVISOR BREESE

Anybody else on any other matters involving the Town?

COUNCILWOMAN ZINCK

Just one other comment before we close, Mr. Supervisor. I just want to thank everybody from the Henrietta staff that worked at the 4TH of July. It was fabulous. They worked hard, and you did us proud. So, thank you very much.

SUPERVISOR BREESE

Good comment. Thank you.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Mulligan, seconded by Councilwoman McCabe at 8:42 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk