

**HENRIETTA TOWN BOARD
AGENDA
JUNE 18, 2008**

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 4, 2008
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Rezoning of Land Located at 2100 Hylan Drive from Residential R-1-15 to Residential R-2-15 and Proposed Special Use Permit
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

Hearing - 7:45 P.M.:

- Action with Regard to Resolution #11-131/2008 - Code Violations at 50 Faircrest Road

RESOLUTION #14-146/2008
Authorize Accounts Payable

RESOLUTION #14-147/2008
Authorize Property Maintenance Action with Regard to Resolution #11-131/2008
—
Code Violations at - 50 Faircrest Road

RESOLUTION #14-148/2008
Authorize Opposition to Assembly Bill A04070 - to Amend the Mental Health Law with Regard to Community Residential Facilities

RESOLUTION #14-149/2008
Recognition of Elizabeth Schnucker – Henrietta Public Library

RESOLUTION #14-150/2008
Authorize Proposed Rezoning of Land Located at 2100 Hylan Drive from Residential R-1-15 to Residential R-2-15 and Approving Proposed Special Use

Permit

RESOLUTION #14-151/2008

Call for Public Hearing - Proposed Rezoning of Land Located at 50 Thruway
Park Drive from Commercial B-1 to Industrial and Proposed Special Use Permit

RESOLUTION #14-152/2008

Authorize Grant Application – Riverfront Park Improvements

RESOLUTION #14-153/2008

Declare Items Surplus Materials – Finance/Library/Public Works/Building and
Fire Prevention

RESOLUTION #14-154/2008

Authorize Personnel Items

PURSUANT TO CALL A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, WAS DULY HELD AT THE HENRIETTA TOWN HALL, 475 CALKINS ROAD, HENRIETTA, NEW YORK ON THE 18th DAY OF JUNE, 2008 AT 8:00 P.M.

PRESENT

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

Hearing - 7:45 P.M.:

- Action with Regard to Resolution #11-131/2008 - Code Violations at 50 Faircrest Road

(Let the Record show that the tape recorder was having mechanical trouble, and the beginning of the Hearing of 50 Faircrest Road was not recorded.)

JEFFRIE WILKINSON, FIRE MARSHAL

I haven't met these two (2), but I believe they are . . .

COUNCILMAN MULLIGAN

Just to start, you've got all these tires, I manage an Industrial park, and people drop tires there every day. It's two dollars (\$2.00) a tire, load the tires up, spend forty (\$40.00) bucks, and get rid of the tires. Your next door neighbor, McGrain (*sp*), who I know a little bit, he's complained, he's a glass man, he can fix the windows, I'm sure at a very reasonable price. But, this to me doesn't look as if anyone is trying to do anything. You're not trying to help yourself.

SUPERVISOR YUDELSON

We're going to, just hold on one (1) second, Mr. Schnurbusch, we'll give him a chance to come up and speak, and also answer questions from the Board, but just before we let him speak, does anyone have any questions for Jeff?

COUNCILMAN MULLIGAN

The final one I've got with Jeff is this looks like to be the Holy Childhood land.

JEFFRIE WILKINSON, FIRE MARSHAL

We're not sure exactly if that is the Holy Childhood land . . .

COUNCILMAN MULLIGAN

Well, close to it.

JEFFRIE WILKINSON, FIRE MARSHAL

Yeah, it's close to it. I asked his wife this morning if the stuff that was back there was theirs, and they kept saying "No", but one (1) of them is a lawn mower, and the amount of lawn mowers that are in their yard, I'd take it that it's probably theirs.

COUNCILMAN MULLIGAN

Like I said before, it's two bucks a tire, load them up, you got this young kid who is probably as strong as an ox, and a lot of energy, and for forty dollars (\$40.00), you get rid of the tires, and you begin to demonstrate to the Town that you're interested in being a good citizen, and keeping your property neat, and that's all we ask. I would not want to live next door to that. I take pride in our place, it's work. But this looks like you're working hard to make a mess, and you'll get your chance to talk.

SUPERVISOR YUDELSON

Yeah, why don't you come on up to the microphone, because I think we're done with Jeff for the moment, if you would like, you certainly are, the process allows for you to speak, you can say any comments you'd like to first, and then the Board might have some questions for you, but go ahead.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

Can you hear me? One (1) thing, I plan on getting rid of them, it's like last year, it cost me, how much was it, the dumpster? A big, big dumpster and we took everything from outback, like where all them tires are way in the back woods, that's not all my stuff. The tractor, the lawn mower was I think, but it still wasn't on my property, somebody took it out there, but where that stuff is, is way out in back across the line there. But I'll get rid of that too, my son, who has a business that takes, like Jeepers Creepers, that takes lawn mowers, snow plowing and stuff, he's coming over tomorrow with his truck and everything that isn't in the garage or whatever, he's getting rid of. I had three (3) truck loads of dirt put in on the side, and you can see where we, if you had seen it last year, it was just like rocky mountain mud, and it was always filled with water. Now I got it all filled in, and leveled it off, and in the front we're going to have to do the same thing with the whole yard there, just cost three thousand dollars (\$3,000), I had to come up with that two (2) weeks ago. Every time I turn around it's something else, and the two (2) windows on the garage are about this big. I put eleven thousand dollars (\$11,000) worth of windows in that house. I sided the whole house, I had a new roof put on in eighty (1980) something, I had the whole basement water proofed on the outside, and I'm saying if you look into what I put into that house, and then say I'm not doing anything, it's just, I'm disabled, I can't go out there and do what I used to be able to do. My wife is disabled, she can't, my daughter who comes over and helps us, she's disabled, Danny, who's my grandson, he's deaf, but on top of that he's ADHD, if he don't take his medicine, it's awful hard even then, and that's why it's so hard for him. He couldn't take school, they loved him at school, he went to one (1) out in Utica, but he just couldn't

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keep with it, because he couldn't keep up with the medicine, they had to keep changing it. That makes it hard, so I kind of let him get away with things rather than fighting, if he hasn't taken his medicine and stuff, there's nothing you can do, you know, and you just get down the noise, like I said he takes anything, people come and they bring him lawn mowers, they bring him motorcycles, they give them to him, they sign them over, and say, "Fix this, fix that, can you do this?". In a couple hours he's got it all fixed, but like you say, if he can put himself someplace business like, but it's hard, being deaf is one (1) thing, but he can communicate pretty good, but it's the other ADHD and stuff that makes it so hard.

COUNCILWOMAN ZINCK

Just a question, I can definitely sympathize with this situation, it's difficult to keep a home up, and it's got to be very difficult when you're disabled, as well. However, I also need to sympathize that if I lived next door to this, not only is it a whole lot to look at, but it's a safety hazard, as well. If someone were to come into your yard, and be injured, I don't know how they would come in your yard and not be injured. To be honest with you, I mean, there's just stuff everywhere.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

Well, as I was saying, my son, starting tomorrow, before the end of the week, we're going to have everything that you see out in the back there, and I'm going to get rid of those tires and stuff too, even though they're not on my property and they're not mine.

COUNCILMAN MULLIGAN

What's under the tarp?

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

That's lawn mowers and stuff. At the time we got that, we were going to use that for a couple of things, mainly we got it for after we get rid of this stuff. I covered it up because I knew people would be griping about it until we could get rid of it. So, I figured put that over it, at least it's out of site, and maybe they won't be too upset, and then when that's done there, we'll use it for like a picnic table, we put our picnic table out back and stuff, and I still got to put some more . . .

COUNCILMAN MULLIGAN

Steel is like three hundred bucks a ton. I would take it over to Metalico, and they'll give you a big check. You got a lot of steel here.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

Well, I took a lot last year, too.

COUNCILMAN MULLIGAN

There's a lot of steel up in front.

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DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

My grandson just took some the other day, and he said it went down twenty-five dollars (\$25.00) a ton.

COUNCILMAN MULLIGAN

Whatever you get is better than being in the yard.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

Yeah, like I say, it's awful hard, almost all of the things he's got, he's got four (4) wheelers, everything that he's got there didn't run when he got it, he would trade up, trade down, someone would come over and say, "Do you have an engine?", and he'd have one (1) and they'd trade, and then he'd end up with a lot of things. He's got the motorcycle that he can get going . . .

SUPERVISOR YUDELSON

He does all these as his hobby?

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

That's what he does, that and computers, inside the house he's got computers that people come over and give to him, and he fixes them.

COUNCILWOMAN ZINCK

And they got to take them away though.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

Pardon?

COUNCILWOMAN ZINCK

That's the trick, they got to come back and take them away!

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

Yeah!

COUNCILWOMAN ZINCK

And they're not doing that.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

He trades them or gives them away, but like now he's on the computer all night with, he's made a friend near Alberta, Canada, girl up there and they talk, and he gets on the computer, and I mean, he's got like twelve (12) people, they're all on the phone, he's got them on the phones, and for hours, they're telling stories, making jokes, playing games, and getting everything, but you just can't . . .

COUNCILMAN MULLIGAN

You got to find him a job, he's got too much energy.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD
Yeah, but you can't, I don't know how to channel it.

SUPERVISOR YUDELSON

I think the Town understands the situation you're in, and that's been difficult, and I think that's why I asked Mr. Wilkinson about the fact that it's gone on for at least a year, and that we haven't got to a point like this before, because I think the Town was sympathetic to you and to your circumstances, and kind of balancing that now at this point with what Councilwoman Zinck said about the neighbors and their right to have this in this kind of situation, and towards, depending on what the Town Board decides at the end of this Hearing, other than before this action, I guess I wanted to ask Jeff at this point, I assume that if we approve to go ahead with this tonight, there would be some lapse until we actually went out, we would send some notification of when we were coming out to do the work, and that Mr. Schnurbusch and his family would have in that time, whatever they were able to fix, and that's something where we wouldn't be doing the work, and they wouldn't be charged for it. Can you speak to that at all, if you could just yield to Mr. Wilkinson for one (1) minute, Sir.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD
I've done a lot of work since last year.

SUPERVISOR YUDELSON

Yes.

JEFFRIE WILKINSON, FIRE MARSHAL

Well, we told Mrs. Schnurbusch that whatever decision was made by the Town Board tonight, and like you said, with the lapse, I'm not sure exactly how long we actually have before we can actually come out on their property, we're going to have to find someone to do the work, and we told her that we would catalog everything that was taken off her property and disposed of. So, I'm not sure how long it would take before we got someone that could actually come out and dispose of the things, and we would be there also with them to make sure you know, okay, is this considered junk, is it not? I explained to Danny, I said you know, he's got a engine out front, I think you saw it, with the two (2) big wheels on the side, he bought it for three hundred and fifty dollars (\$350.00), it didn't run. He had it running in two (2) hours. It's an old, old steam type of engine, and it's amazing, and he starts it by just spinning this thing, but he had it running in two (2) hours, and it ran. He started it up for us today. I mean, he's got it, he's got it here, but he's a pack rat. That's the way he is, I'll be honest, and you know . . .

(Audience Member, Inaudible)

SUPERVISOR YUDESON

Well, I asked too, not to make it more complicated, but I asked about whether he did it as

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a hobby or for money because if we have people bringing him stuff, and he's doing it for money, he's running a business out of his house, which isn't allowed.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

(Away from mic, inaudible)

SUPERVISOR YUDELSON

No, I understand.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

(Away from mic, inaudible)

SUPERVISOR YUDLESON

Mr. Mastrella, is there anything, if you're familiar at this point with any time tables involved, if we make a decision tonight to move forward, is there any periods of time stipulated to in the Code?

DANIAL MASTRELLA, TOWN ATTORNEY

Not in the Code. If you want to set a period of time, you certainly can, you're the Town Board. In the past what we have done is after the Town Board has taken action, the Building Inspector has found, taken the time to find the contractor, scheduled the contractor to come out, and once we have a date, I have written a letter to the resident as a courtesy to inform them that it was a courtesy, on when the person would be on the property, generally, attaching a copy of the notice so they would know what to expect to be taken, and at least they know that if the stuff isn't there for the person, for the contractor to take, obviously they're not going to be charged for that item, they'll be charged for whatever the Town has charged them. So, it takes some time, and if you want to say no sooner than fifteen (15) days, that's your call on it. It could be later than that but . . .

COUNCILMAN MULLIGAN

I would lean towards ten (10). We're getting a lot of complaints from the residents, it's hurting the value of their property. People don't want to move there when they see all this junk. You should make it a nice place, but it's work and you need some help. That kid has got to start working and not just obsessing himself with these machines.

COUNCILWOMAN ZINCK

Well, my other concern is, it sounds like whether it's ten (10) days from now or thirty (30) days from now, that this young man is going to have a very difficult time with things being taken off his property. That like you said, it's part of him, and so I'm concerned about his well being, and I hope that he's seeing someone or doing something as this happens, because it's going to be very traumatic, but I don't think it's going to matter if it's ten (10) days from now or tomorrow, I think it's going to be very traumatic for him regardless.

COUNCILMAN MULLIGAN
It's been going on a year.

SUPERVISOR YUDELSON
Mr. Schnurbusch, is there anything else you want to say at this point? If you would come up to the microphone though.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD
(Away from mic, inaudible)

SUPERVISOR YUDELSON
Yeah, I just didn't want to cut you off.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD
I just wanted to say to any neighbors who don't know Danny that think he's a bad kid, he isn't, but I've lived there thirty (30) years and this is the first I've had any problems like this of any kind with neighbors. But thirty (30) years, that's a long time to be there. I would say that within two (2) weeks we can get this taken care of. My son for some reason, Danny looks up to him, and does what he says. He used to do what I say when he was this big but now he's, I let him get away with too much stuff, but he'll come over tomorrow, and he'll tell him, anything that he doesn't fix, Neill is just going to take and take it to the thing, and he'll do it and Danny will just go along with it.

COUNCILWOMAN McCABE
If we gave you until July 1st to clean it up or we would have somebody come and do it, would that be enough time for you to get with your son to come in and clean the whole place out?

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD
That's what, a couple weeks almost?

COUNCILMAN MULLIGAN
It's two (2) weeks.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD
I'm sure we'll have it cleaned up before then, but the front lawn where they just dug it all up, that's going to take a while because it has to settle, and it's settling now, and when it's raining we're going to have to do the whole yard out there again, and we're going to have to put more dirt in there, and I'm on a fixed income, and that's all we got is . . .

COUNCILWOMAN ZINCK
But fourteen (14) days goes very quickly, you've got to get up tomorrow morning and go for it!

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

I told you, my son also kicks me in the fanny and makes me do things. *(Laughter)* When I get too lazy now days, so I guarantee.

SUPERVISOR YUDELSON

Okay, thank you, Mr. Schnurbusch. Is there anyone in the audience who wanted to speak on this issue? *(Pause, no response)* If not, Mr. Mulligan . . .

RESOLUTION #14-147/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the owners of 50 Faircrest Road were duly served, in accordance with the Henrietta Town Code, with notice of property maintenance violations and notice of a Hearing to be held on June 18, 2008 regarding such violations, and

WHEREAS, the Town Building Department has conducted an inspection and issued a report, which has been accepted by the Town Board, demonstrating that there are uncorrected violations still in existence.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta hereby determines that the owner or occupant has neglected or failed to comply with the requirements of the aforesaid notice within the time provided therein.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the work to be done in accordance with said report and the cost to be paid out of the General Town funds.

BE IT FURTHER RESOLVED, that the Town Board shall be reimbursed for the cost of the work performed by assessment and levy upon said parcel and the expenses so assessed shall constitute a lien and charge upon said real property until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

COUNCILWOMAN McCABE

The July . . .

COUNCILMAN MULLIGAN

I would further state that the property be cleaned up by the Owner, by July 1st, or the Town is authorized to go in.

COUNCILWOMAN McCABE

Second.

SUPERVISOR YUDELSON

Discussion? Just before we vote on it, I would just urge you to continue to be in contact

with Jeff Wilkinson, so he can advise you if you're meeting the expectations. Call the roll, please.

Duly put to a vote:

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

SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Before we move into the Public Hearing, is there anyone want to speak on any other Agenda items besides the Public Hearing? *(Pause, no response)* If not, can I have the Approval of the Minutes, please?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of June 4, 2008.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

SUPERVISOR YUDELSON

At this point, we have a combined Public Hearing, a proposed rezoning of land located at 2100 Hylan Drive from Residential R-1-15 to Residential R-2-15, and a proposed Special Use Permit. Has this been properly advertized?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR YUDELSON

Thank you. At this point, I call upon Mr. Caruso to give us a presentation on both the rezoning Application as well as the Special Use.

JOHN CARUSO, PASSERO ASSOCIATES

Thank you, Mr. Supervisor, I have about a five (5) to ten (10) minute presentation, and then I'll be happy to answer questions. If there's anybody here from the audience that hasn't seen these plans before, I'd like to invite you up, and take a look at them. I'll be going through them sort of briefly tonight. The Town Board members have a little small version of what's being presented. Our client, George Pietropalo, of Precision Properties, purchased this parcel to the south of his with the intentions to expand on it, but I think there was also a little bit of intentions to be a defensive purchase to try and protect whatever else might go there. He currently owns *(away from mic, inaudible)* would be to construct two (2) additional buildings, and those added units are twenty-eight (28) and his twelve (12) would be a total whopping forty (40) units, and most of the apartment projects that come before this Board usually start at the two hundred (200) unit level, but this is what he proposes to do, and whatever George does, if you've seen his property, he does it very well. So, that's our development proposal. Just a little bit of a background, George hired us to explore the development options on this parcel about six (6) to eight (8) months ago, and we laid it over several different ways, three (3) buildings, four (4) buildings, and we tried to assess a lot of different things from access to utilities to buffering and trying to fit in with the neighborhood, and we also had the benefit of meeting with some Town staff, the building department, engineering, and we received some very good feedback from that, and we also had the opportunity and enough time to hold a public meeting, and we invited just the residents *(away from mic, inaudible)* did not attend a meeting, please don't feel slighted, we're welcome to answer any questions you have on that, but we wanted to talk to these people, they were the most direct impact that we would have. It was a very good meeting, it was held on May 8th, right here in this room. So, as a result of that, we decided that we would move forward with a smaller project. That is just two (2) buildings and not a third building, and so on. So, with that, this is the development proposal that we have. The density meets the Town's requirements for density, and it's not per unit like it is in other Towns, but it's based on two thousand (2,000) square feet per unit and so on, and we meet the density requirements for space, we also meet the lot coverage requirements for the buildings, and we meet the parking requirements for the number of cars, and that's two and a half (2 1/2) stalls per unit. So, that's sort of the lay of the land and how the site lays out. We looked at some of the land use issues, which is really what we're here for to talk about tonight, and that's rezoning, and with respect to that we wanted to make sure that we talked about the "S" word, and that's "spot zoning", because sometimes different communities are accused of that, but with *(away from mic, inaudible)* expand from that point, the laws are clear that that's not spot zoning, that you're really doing an expansion off of a current zoning and I just needed to make that point in case anyone else had that

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question. But, one (1) of the benefits we get from rezoning this is create this clear transitional use from (*away from mic, inaudible*) and we really just sort of had a segment of that with the one (1) building, but this allowed us to clearly create a transitional zoning opportunity and we were able to show that to the residents that came to the meeting, and we also learned something interesting from them too, things that we hadn't considered, that the placement of these buildings answers a question that they were very concerned about. They did not know what would ever go there. They were concerned that another commercial just as George bought the piece for it to be defensive, they were concerned that we might get another restaurant in there with their commercial fans blowing into their neighborhood, and George had the same concern, and so we also learned from them that there is a significant cut through where people walk through their back yards to get out into Hylan, and so with that, we had thought about promoting (*away from mic, inaudible*) and this is one of the things that I like about George is he asked me to put the landscaping to their side of the property. So, (*away from mic, inaudible*) again on the land use side the buildings will also buffer the sound from Hylan Drive, the noise that comes, these buildings also act as a noise barrier, so those were some of the things that we hadn't considered. Commercial uses of the parcel for any other use would be more intense, and then essentially (*away from mic, inaudible*) so it is our intent to create this transitional zoning this development here that would separate the commercial from the single family residential, just as it's been done before. So, with that just a few stats about the building, the building is the same height as the current building here and the same color, approximately. The height of the building is about thirty feet (30'), and the two (2) story buildings on each side of it are also about thirty feet (30'). There are two (2) bedroom units inside the buildings with two (2) bathrooms in each unit, and there is storage available. George's tenants are basically empty nesters, this is not a family project, it's not designed to be one, and it isn't really much of a family project opportunity being on Hylan Drive, near the mall. There is other places in this community, and they do it well. George's tenants are professionals, and professors from the college, he doesn't rent, it's not that he doesn't, but he doesn't have any college students that he rents to, and essentially, he's had very good luck with his tenants and the neighbors also remarked about his tenants. George signs two (2) year leases, it's not one (1) year leases. His people are serious about being there, and he has an onsite manager that is in the current building, and he will remain with this project to be onsite for the new project. The last thing about operations, George does all his own snow removal, he has his own business so he has it done, when the parking lot or the areas next to it gets full, he removes the snow from his properties. He maintains his own landscaping with landscaping crews that he hires, not his own. His onsite manager checks cars in the parking lot to make sure they're all registered, and he makes sure the dumpster gates are closed, and that all the trash is picked up around that, so they try to keep the property nice. So, a little bit about the background land use, we talked transitional zoning, some operations, the types of tenants, and his buildings, so with any other questions, I'd be happy to answer for you and the audience.

SUPERVISOR YUDELSON

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I just, before opening it to the Board, I just want to remind the audience again that we're simultaneously conducting a Public Hearing on rezoning, as well as a Hearing on the Special Permit Application. So, as questions come from the Board, we will try to maybe, if the Board members choose to preface their questions on which one (1) they're asking about, just so that members of the audience can follow along. Having said that, I will open it to the Board for any questions.

COUNCILMAN MOORE

Through you, Mr. Supervisor, the percent of green space for the new project?

JOHN CARUSO, PASSERO ASSOCIATES

Um . . . *(away from mic, inaudible)*

COUNCILWOMAN ZINCK

It doesn't look like much, I was wondering, as well.

COUNCILMAN MULLIGAN

Compared to the other project.

SUPERVISOR YUDELSON

The Town Code requires twenty-five percent (25%), as I understand.

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, when you go before, are you going to ask for any variances from any of the other Boards?

JOHN CARUSO, PASSERO ASSOCIATES

Yes.

COUNCILWOMAN McCABE

From the Zoning Board?

JOHN CARUSO, PASSERO ASSOCIATES

Yes, we had an opportunity to meet with the Planning Board Chairman, and the Zoning Board of Appeals Chairman to talk about what we call good and bad variances. The difference between the two (2) is we've been able to lay this thing out and meet the density requirements to meet the lot coverage, to meet parking, but we could not meet the *(away from mic, inaudible)* Code for an R-2 multi-residential requires a sixty foot (60') separation from the parking lot *(away from mic, inaudible)* the good and bad variance that I was talking about is if we were to keep that then we would lose the *(away from mic, inaudible)* which is more important to the operation and function of the building. So, we had to pick or choose which one (1) do we want to go for, and we'd rather go for the setback variance because it's more common and the separation is intended for screens, so we decided that we would put in a better fence in the landscaping to overcome that,

rather than the loss of parking.

COUNCILWOMAN McCABE

Okay, so that's the only one (1) you're going to go for, is that the only variance you're going to ask for?

JOHN CARUSO, PASSERO ASSOCIATES

Yeah, and it's all the way around.

COUNCILWOMAN McCABE

All the way around, okay.

JOHN CARUSO, PASSERO ASSOCIATES

Yes, it'd be . . .

COUNCILWOMAN McCABE

But, it will be fenced so it really doesn't make that much difference because it will be fenced.

JOHN CARUSO, PASSERO ASSOCIATES

(away from mic, inaudible) a good or bad variance.

COUNCILWOMAN McCABE

You can tell I was on the Planning Board.

SUPERVISOR YUDELSON

For the matter or question regarding density, I'm sure there's going to be some follow-up questions from the Board on this. The density, you mentioned that it's within the Town Code Book, can you give us numbers on the density of the existing project, and the land it occupies compared to this one, whether it's consistent or different, and I know you might want to answer in the context also of your plans to subdivide or re-subdivide the parcel.

JOHN CARUSO, PASSERO ASSOCIATES

Yeah, I have to think a little bit to answer that because in the Town of Henrietta, you don't do density by units per acre, it's two thousand (2,000) square feet, per unit, so that would be twelve (12) units *(away from mic, inaudible)* so it's about twenty-five thousand (25,000) square feet to fifty thousand (50,000) square feet. *(away from mic, inaudible)* So, it's one hundred and ten (110) to thirty-five (35), so there's about twenty thousand (20,000) extra square feet that we could increase our density. So, we're under the Town's density.

COUNCILMAN MULLIGAN

How do you get two thousand (2,000) times four (4) to get eighty (80)?

JOHN CARUSO, PASSERO ASSOCIATES

Two thousand (2,000) times forty (40). Four (4) units total. So, I was comparing what was existing to the building . . .

COUNCILMAN MULLIGAN

So, the density is more intense on this Project than the other one (1)?

JOHN CARUSO, PASSERO ASSOCIATES

That would be correct, but it's still under what's allowable per Code, it's way under.

COUNCILMAN MOORE

But in order to get under you've got to combine both properties.

JOHN CARUSO, PASSERO ASSOCIATES

But we would already because this (*away from mic, inaudible*)

COUNCILMAN MULLIGAN

How big are the units, John, the square footage of each parcel?

JOHN CARUSO, PASSERO ASSOCIATES

They're between twelve hundred (1,200) and sixteen hundred (1,600) square feet. They're good sized units.

COUNCILMAN MULLIGAN

You're not looking for any variances on that?

JOHN CARUSO, PASSERO ASSOCIATES

No, we exceed what's required.

COUNCILMAN MULLIGAN

I've got one (1) final one. We've had a lot of problems with college kids disrupting neighborhoods. You're adjacent to a neighborhood, would your client be willing to forbid college kids from occupying these units?

JOHN CARUSO, PASSERO ASSOCIATES

I don't know if he can do that? He doesn't do that now, but he doesn't need to. First of all, if you look, we're in a different environment a year ago, then with the rental market with all that's being built down on John Street, and all those so, he at one (1) time had some tenants that were college kids but that was before he owned the place (*away from mic, inaudible*) he has an onsite manager, so they would know, okay, if you walk through his parking lot, you'll see the dependency there are higher end people, and they're people who are professors and teachers at the school, or empty nesters, and they happen to like this environment. It really is next to the expressway, next to the

hotels, next to the restaurants, next to retail, but it's just not a family oriented place.

COUNCILWOMAN ZINCK

What are the average rents?

JOHN CARUSO, PASSERO ASSOCIATES

Twelve hundred (\$1,200) a month.

COUNCILWOMAN ZINCK

Like for two (2) people.

JOHN CARUSO, PASSERO ASSOCIATES

But these are two (2) bedroom, two (2) bath.

COUNCILMAN MULLIGAN

Unless you crowd four (4) kids in there, if you got them.

JOHN CARUSO, PASSERO ASSOCIATES

Yeah, but he doesn't allow that because you've got to fill out the Application and . . .

SUPERVISOR YUDELSON

I thought you said that's monitored by an onsite manager. Do you mean someone who's there all day or someone who lives there around the clock?

JOHN CARUSO, PASSERO ASSOCIATES

Thank you, for that prompt. They live there, this gentleman lives on the property. Some of the neighbors know him, recognize him, see him picking the property up, and they mentioned that to us in the meeting. The two (2) year lease doesn't really go with a college student, and he signs two (2) year leases. So, to that end, I don't know where else I can . . .

COUNCILWOMAN ZINCK

It's a nice looking Project, and it is a nice transition, I'm just wondering would the Project still be a go ahead if it were less than twenty-eight (28) unit apartments?

JOHN CARUSO, PASSERO ASSOCIATES

Probably not, it's very expensive to build it, very expensive to build it.

COUNCILWOMAN ZINCK

Like, even twenty-four (24)?

JOHN CARUSO, PASSERO ASSOCIATES

Well, the reason, you try to get up to meet the Code, and the fact is that we're already under the Code, and the reason that we're under the Code is because we did

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understand that before we came to this Board, we weren't going to press the envelope on what the density could be, which is why we dropped down from the three (3) buildings and quite frankly, strategically, we're under so that we could say that we're under the Code, and not right at the Code.

SUPERVISOR YUDELSON

Are there questions from the Board? If not, is there anybody in the audience who would like to speak on either the Public Hearing about rezoning or the Special Permit Application? *(Pause, no response)* If not, I'll close this Public Hearing, and we'll be voting, there's a resolution on the Agenda shortly, and with that, I'll ask for the first Resolution, but just note that the second Resolution No. 147, has already been taken care by the Board with that Special Hearing that proceeded the meeting, so with that, can I have the first Resolution?

RESOLUTION #14-146/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

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

EXHIBIT A	Bills Payable dated 06/18/2008	\$ 187,538.49
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SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #14-148/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the New York State Legislature is considering Legislation, which will amend Section 41.34 of the New York State Mental Hygiene Law by significantly expanding the definition of "community residential facility", and

WHEREAS, said Amendment will preempt certain portions of the Henrietta Town Code and have the effect of exempting said facilities from certain zoning regulations, and

TB June 18, 2008

WHEREAS, the Town Board of the Town of Henrietta opposes the erosion of its Home Rule Authority, both generally and specifically, as will occur with the proposed Legislation.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta hereby opposes the proposed Amendment to Section 41.34 of the New York State Mental Hygiene Law, and requests that our State Representatives do not support said Legislation.

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of the foregoing Resolution with Assemblyman Joseph A. Errigo, Senator James S. Alesi, the New York State Association of Towns, and the Monroe County Supervisors' Association.

SUPERVISOR YUDELSON

Under discussion, I wanted to thank Councilwoman Zinck for bringing this to the Board's attention, and our understanding is that this Bill does not have a sponsor in the Senate, but I think it's important, we're trying to speak out about the State taking away local authority, and that this Board feels very strongly about that, so I think it's very appropriate that we're supporting this Resolution. Is there other discussion? If not, call the roll.

Duly put to a vote:

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

RESOLUTION #14-149/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, Elizabeth Schnucker has served on the Henrietta Public Library Board of Directors for twelve (12) years, and

WHEREAS, Ms. Schnucker has always put the best interest of the Henrietta Public Library first in all decisions, and

WHEREAS, she shared her love of literature with others, and started the Henrietta Public Library's first Book Club, and

WHEREAS, the Henrietta Town Board will miss her, and have recognized that the Henrietta Public Library has benefitted tremendously, thanks to Elizabeth's commitment and dedication.

THEREFORE, BE IT RESOLVED, that Elizabeth Schnucker is hereby recognized, and thanked by the Henrietta Town Board for her significant contributions to the Henrietta Public Library.

SUPERVISOR YUDELSON
Discussion?

COUNCILWOMAN ZINCK

I just would like to add, our Town depends very much on these people volunteering their time, and twelve (12) years is a very, very, long time, and she's been wonderful, dedicated, and we will tremendously miss her.

SUPERVISOR YUDELSON

Thank you. Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #14-150/2008

On Motion of

Councilman Mulligan

Seconded by

Councilman Moore

WHEREAS, the Town Board has received a request for rezoning of approximately 1.8 acres of land from Residential R-1-15 to R-2-15, along with a request for a Special Use Permit to construct a total of twenty-eight (28) unit apartments in two (2) buildings located at 2100 Hylan Drive, known as Tax Account No. 162.17-1-14, and

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

WHEREAS, after consideration of this proposed Project by the Henrietta Town Board, the Project exceeds one (1) or more thresholds for a Type I Action, as stated by Section 617.4 of the New York State Environmental Quality Review Act (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 declared its intent to be the Lead Agency for the Environmental Quality Review, and

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

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by this Rezoning and Special Use Permit Application, pursuant to Section 617.7 of SEQRA, and

TB June 18, 2008

WHEREAS, pursuant to an Order, a Public Hearing was held on June 18, 2008.

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

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms and adopts the rezoning and approval of Special Permit Application No. 2008-067, to construct a total of twenty-eight (28) unit apartments in two (2) buildings located at 2100 Hylan Drive, upon the terms and conditions set forth on the Record at the Henrietta Town Board Special Permit Hearing held June 18, 2008, the parcel being rezoned to R-2-15.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #14-151/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, a written request for a rezoning of approximately 4.43 acres of land from Commercial B-1 to Industrial, has been received, along with a Special Use Permit to allow motor vehicle service, collision repair, and related uses located at 50 Thruway Park Drive, known as Tax Account No. 189.01-1-2, 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 a Public Hearing on the rezoning request will be held simultaneously with the scheduled Special Use Permit Hearing on July 16, 2008 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 Commercial B-1 to Industrial, along with a Special Use Permit.

COUNCILWOMAN ZINCK

I'm not sure how we do this because I'm the second, but I remember in Workshop that we talked about that they had, they were going to have enough parking for seventy (70) vehicles?

SUPERVISOR YUDELSON

If I could just stop you, this is only calling for the Public Hearing.

COUNCILWOMAN ZINCK

Okay, we can deal with that later. Okay, second.

SUPERVISOR YUDELSON

Further discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #14-152/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the Commissioner of Public Works has recommended that the Town of Henrietta apply for grant monies from the New York State Office of Parks, Recreation and Historical Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, and

WHEREAS, the Town of Henrietta purchased 72.7 acres of land on December 12, 2006 for \$182,000.00 for use as Town park land for the development of Riverfront Park, in the public's interest and benefit, and

WHEREAS, the development of the Park is to include construction of roadways, sanitary sewer, watermain service, electrical service and construction of a restroom, is eligible for a matching grant award not to exceed \$242,000.00, upon approval of said Application and upon entering into a Project Agreement with the State for such financial assistance.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to sign the Application, execute the State Assistance Contract, submit Project documentation and otherwise act for the Town of Henrietta's governing body in all matters related to the Project for State Assistance.

SUPERVISOR YUDELSON

Discussion?

COUNCILWOMAN McCABE

I'd just like to thank the Commissioner of Public Works for bringing this to our attention, Mr. Marshall.

COUNCILMAN MOORE

I got a question. When this land was purchased, I was of the understanding it would be a passive park? Is my recollection wrong, I mean, it's in the flood plain.

SUPERVISOR YUDELSON

Mr. Marshall, do you want to come up and just briefly talk about some of the things that are in the plans/Application?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS

The concept plan was done two (2) years ago, only developed less than four (4) acres of the seventy-two (72) acres we purchased, and that four (4) acres encompasses the roadway, the restroom, and two (2) small green areas, the rest of the property remains in that passive state with a trail system will be built in phases over the next few years.

SUPERVISOR YUDELSON

A baseball field . . .

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS

No, no sports fields.

COUNCILMAN MULLIGAN

No pavilions.

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS

There's one (1) in the concept plan, but we're taking this in phases right now, we're just doing the infrastructure of the roadway, the restroom, and things like that.

COUNCILMAN MOORE

I mean because the reason we have this thing is because Bernie couldn't build on it. So, I don't think we should be building these structures on it.

COUNCILMAN MULLIGAN

I agree with that.

COUNCILWOMAN ZINCK

We did talk about it one (1) time, I mean, part of that concept plan is possibly, down the road doing something, having water access, correct?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS
Right.

SUPERVISOR YUDELSON
Are there any structures that are included in this . . .

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS
Yes, the restroom.

COUNCILWOMAN McCABE
The restroom.

SUPERVISOR YUDELSON
The restroom.

COUNCILWOMAN ZINCK
There's lots of options! Thank you, Chuck.

SUPERVISOR YUDELSON
Thank you, Chuck. Is there any further discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #14-153/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, the Director of Finance has requested that the following item be declared surplus material:

<u>Inventory #</u>	<u>Description</u>
3301	Computer Server

WHEREAS, the Henrietta Public Library Board of Trustees has requested that the following item be declared surplus material:

<u>Inventory #</u>	<u>Description</u>
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1026

Newspaper Stand

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

<u>Inventory #</u>	<u>Description</u>
1943	Welbilt Refrigerator

WHEREAS, the Director of Building and Fire Prevention has requested that the following Item be declared surplus material:

<u>Inventory #</u>	<u>Description</u>
3471	Compaq Armada Notebook

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

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #14-154/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

Samantha Davis	Recreation, Part-time Pre-School Afterschool Assistant @ \$7.15/hr., effective 6/8/2008.
Mallory Morrell	Recreation, Part-time Seasonal Lifeguard @ \$8.00/hr., effective 6/22/2008.
Kenneth Snyder	Recreation, Part-time Recreation Assistant @ \$11.00/hr., effective 6/22/2008.

Recreation As per the Attachment.

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

Recreation As per the Attachment.

Barbara Bresnan Parks and Facilities, Laborer B @ \$10.57/hr.,
from Part-time Seasonal Laborer @ \$8.00/hr.,

effective 6/23/2008. (Six months provisional, per
Collective Bargaining Agreement).

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

SUPERVISOR YUDELSON

That's the end of the Regular Agenda. Before we adjourn, is there anybody who would like to speak on any matter involving the Town of Henrietta? *(Pause, no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 9:08 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk