

**HENRIETTA TOWN BOARD
AGENDA
DECEMBER 17, 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): December 3, 2008
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Rezoning of Land Located South Side of Jefferson Road and Between New Tudor Road and Hillbrook Circle – Residential R-1-20 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

RESOLUTION #24-243/2008
Authorize Accounts Payable

RESOLUTION #24-244/2008
Authorize Payment and Approve Professional Services – Arnold Goldman of Goldman and Goldman - Legal Certiorari Attorney Services

RESOLUTION #24-245/2008
Authorize Professional Real Estate Appraisal Services – Wendy's of Rochester

RESOLUTION #24-246/2008
Authorize Supervisor to Sign Amendatory Agreement to the New York State Snow and Ice Removal Agreement

RESOLUTION #24-247/2008
Authorize Supervisor to Sign New York State Local Government Efficiency Grant Program

RESOLUTION #24-248/2008
Authorize Supervisor to Sign Monroe County Shared Intermunicipal Agreement – Fleet Services, Machinery, Tools, Equipment and Services Sharing

RESOLUTION #24-249/2008

Authorize Purchase of State Contract Vehicle - Van – Animal Control

RESOLUTION #24-250/2008

Authorize Purchase of State Contract Vehicle - Truck – Parks and Facilities

RESOLUTION #24-251/2008

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 17th DAY OF DECEMBER, 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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Before we get to the Public Hearing, is there anybody who wants to speak on any items that are on the Regular Agenda tonight, other than the Hearing on St. John's Home?
(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 December 3, 2008.

COUNCILMAN MOORE

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

Now for the Public Hearing, which is on the proposed Rezoning of land on Jefferson Road from R-1-20 to R-2-15, and this is just for the Record, there is also a Hearing in conjunction with the Special Use Permit that would be required to operate this proposed facility. Before opening it to the public, I'd like to call upon the Applicant to come up or his representative, and just describe to the Board the Project.

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Thank you. My name is Charlie Runyon, I'm the President at St. John's, and I'm here tonight to talk about our Greenhouse Project. St. John's has been serving elders in Monroe County since 1899, and we're very proud of the reputation we have in delivering these services. Greenhouses are a way to keep elders in the community, even when they need long term care services, the first residents in the Greenhouse will come from St. John's Home, and they will have lived in the Henrietta area before coming to St. John's and as vacancies are available, folks from Henrietta will have the first choice to come into the Greenhouse. We have met with the neighbors, and on a couple of occasions, and I'd like to clarify some of the concerns we've had expressed to us. There's some concerns that this is a commercial use, it's not, a Greenhouse is a home for ten (10) elders, it's a place that looks like a home, it feels like a home, and acts like a home. They're ranch style homes with a kitchen, living room, den, bedrooms, porches, and patios. The staff for both homes will consist of five (5) staff members on days, five (5) staff on evenings, and three (3) staff on nights. Other therapy and medical staff will visit as needed, we expect that some of the staff from St. John's will be the staff at the Greenhouse in Henrietta, just as we are returning residents back to Henrietta, we have a number of staff members from Henrietta who have expressed an interest to come and work at the first Greenhouse this year. There will be a housekeeping maintenance staff that will visit one (1) or maybe two (2) times a week to do the heavy cleaning, the staff that's there during the day will do the routine cleaning, and maintenance will come once or twice a week to do preventative maintenance. Supplies will be delivered to the houses from St. John's twice a week using a delivery van. Those were some of the issues that we've heard, I would ask that if anybody would like to they could visit our website, it's www.stjohnshome.com, and there is a video on there, which does a very nice job explaining what Greenhouses does and gives a visual description of what they are. At this point, I'll ask Bob Cantwell from BME Engineering, and he'll give you some more information about the site itself.

ROBERT CANTWELL, BME ENGINEERING

Thank you, good evening. Relative to the site development I would make reference to some of the exhibits off to the side, the first thing that I would like to just describe for the Board and for the public are some of the characteristics of the existing site, and again, I would make reference to the aerial photo that's the second drawing from the right. The property is 6.8 acres in size, it has three hundred and seventy feet (370') of frontage on Jefferson Road, it is bounded to the west by Pinnacle Heights, a residential neighborhood, to the east by Jefferson Estates, and to the south by the Hindu Temple. There is an existing single-family home on the property, as well as an out barn, both of those structures would be removed as part of the proposal. The existing vegetation on the site, again referencing the aerial photo, is primarily shrub/scrub, with the exception of the area around the existing home, which is primarily lawn. There are, there is existing wetlands on the property, which has been located and delineated by our staff that generally follows the drainage course, which flows from north to the south through the

site. There is also an existing stub road, which was left as part of the Jefferson Estates Project, that is a stub road off of New Tudor Road, and it is along the southeast portion of the property. As was mentioned, we are requesting a rezoning, as well as a Special Permit from the R-1-20 existing zone to the R-2-15. As part of the development application and rezoning request, we did prepare and provide and submit a conventional zoning plan to the Board, that drawing is all the way to the left. I don't want to alarm any of the public here, that's not what we're proposing, that's simply what the existing zoning would allow, that plan reflects eleven (11) lots under the existing R-1-20 zone that requires minimum lot sizes of twenty thousand square feet (20,000'), and among other requirements, it does allow for ten foot (10') rear setbacks from the existing structure to the outside of the property. As part of that Town Environmental Review Process, we prepared the conventional plan simply to compare the traffic that would be generated for the proposal by comparison to what the existing zoning would generate, and basically the proposal generates approximately one half the number of vehicle trips per day both for the total twenty-four (24) hour daily trip generation, as well as approximately half of the a.m. and p.m. peak hour trips. I would also point out that under the conventional zoning the majority of those trips would in fact travel through the Jefferson Estates neighborhood, but then again, that's not what is being proposed. The proposal includes, as Charlie had indicated, two (2), ten (10) bedroom private suite residential structures, each of those two (2) structures have two (2) car garages, access to the Project, and I am referring to the rendering all the way to the right, at this point, access to the Project would be via a private common drive, directly accessed from Jefferson Road, we also did receive a confirmation letter from New York State D.O.T., basically agreeing with the access directly to Jefferson Road, as well as the location, we did provide a copy of that letter to the neighbors that attended the first neighborhood meeting that we did have. We also, as part of the improvements, included visitor and staff parking for approximately ten (10) vehicles, that's shown on the conceptual site plan, other site improvements include outdoor patio common space, pedestrian trails throughout the site including potential for linkage to the aforementioned stub road to serve the Jefferson Estates neighborhood, we've also got sidewalks proposed along the common driveway for the residents, and we have also shown schematically a community park in the southern portion of the site as part of the site improvements. Site lighting would be typical residential style, low level, dark sky compliant, lighting that certainly would be very unobtrusive and very consistent with neighborhoods surrounding the proposal. With regard to drainage, we have taken a look at conceptually two (2) components of the drainage, existing drainage conditions, the first component certainly, it's a little premature at this point to be talking about specific engineering design, however, as one of the most critical issues when we did meet with the neighbors initially was certainly drainage, and we did want to address that right up front. As I had indicated, the storm water management will include two (2) components, the first being the, essentially the increase in impervious surface that we're generating on our site, that's very minimal just due to the size of the units, and the proposed road and parking improvements on the site. The second component is to basically, help downstream drainage conditions, that's more of a

regional, if you will, issue, so we are conceptually looking into that. We did meet for a second time earlier this week with the neighbors, primarily the Jefferson Estates neighbors, since those are the folks that have dealt with drainage challenge in the recent past. That meeting was also attended by the Town Engineer, and we certainly appreciate those neighbors, as well as Mr. Byrne who did attend that meeting, and again, the purpose of that meeting was simply to conceptually explain the approach to the drainage. A very quick overview of the drainage conditions, the existing conditions, there is, and I'll refer to the second drawing from the left here, there is an existing inlet that did, that was the focus of some drainage concerns in the past that we have done drainage calculations that basically shows that the contributing drainage area to that point is approximately twenty-seven (27) acres, that was significantly less than the original drainage design in Jefferson Estates. The proposed conditions we have included an intent, and as was presented to the neighbors Monday, an intent to not only provide a storm water management area on site, but also, to handle the increase in runoff from our Project, but also to create a berm basically along the southern and southeastern side of the property to basically detain the run off that does currently flow through the property. The result, preliminary result, again we haven't done all of the engineering design, but that preliminary indications of our calculations show that four (4) times the amount of water that currently leaves the site will be detained on our Project site, that includes the one (1) year, ten (10) year, and one hundred (100) year storms. So, this should certainly help some of the downstream challenges. We certainly also, as I had indicated, would acknowledge that it is a little premature, but again we wanted to cover the drainage. Other improvements on the site would include a landscape plan, again, the details of that would be certainly presented, designed and presented, and submitted to the Planning Board once we get to that point. Included within the selection of the plant materials there would be, there was another comment made for the potential for geese to, pardon the pun, flock to the site, and we would be careful about the type of plant materials and the planting scheme around the proposed pond to discourage the attractive nuisance that geese would provide. Mr. Runyon also indicated that we did, at our first meeting, receive a number of comments from the neighbors, and I think that we have certainly heard those comments and considered them, and dialed them into our thinking as it relates to moving forward to the Project. Just very quickly, drainage was one of the issues, certainly the geese, the parking needs, overall site disturbance, driveway location, New York State D.O.T. access and approval, construction timing, the average age of residents, the potential for spousal overnight stays, if you will, noise and travel, emergency vehicles, whether pets would be allowed, and we had also requested input for improvements in the neighborhood park, I would be happy to address any of those specific comments if the Board would like me to. So, with that, I would turn it back over to the Board. Thank you.

SUPERVISOR YUDELSON

Thank you, very much. Just before moving to the Board, I wanted to first of all, thank the Applicant for the time you spent meeting with Town staff, and for the neighbors that have

helped on different occasions, and obviously there are still a lot of questions, I had said that even though the Board has had a chance to hear some about this Project, we certainly, with a Project of this scope, would want to take the information that's presented at a Public Hearing such as this, be able to digest it, and get further feedback from the public and from our staff, and so as I indicated at some of the other previous meetings, we won't vote on this Application tonight, but rather we'll vote on it at one of our meetings in January, and just, I just wanted to state that so the public knew that, as well. And, also, although I think you'll have some questions obviously because there's a lot of people here tonight, if you have questions about design, the Town Board, as you know, considers the rezoning request, the Planning Board really is the one that deals with design issues, and so, despite what information you would present here tonight, if it ultimately got approval and then went to the Planning Board, those drainage issues and some of those other instances that you talked about that could provide some relief for the area in general, as far as drainage, would be determined by the Planning Board. Having said that, I want to open it to the Town Board members before opening the floor, if you have any questions or comments (*inaudible*).

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, what is the, I went over there today and I looked at the site, and it looks like a difficult site to develop with all the woods and some of the wetlands, what is the total cost of the Project, that being the cost of the land coupled with the buildings, approximately?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

The two (2) seventy-five hundred square foot (7,500') buildings and the land and the development costs are five million dollars (\$5,000,000) total.

COUNCILMAN MULLIGAN

Five million (\$5,000,000)?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Yes.

COUNCILMAN MULLIGAN

And, what is the cost, these twenty (20) patients, what is the approximate cost of the care of a patient?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

It's two hundred and fifty dollars (\$250.00) a day, is the Medicaid rate, and seventy percent (70%) of them will be on Medicaid, and thirty percent (30%) will be private pay.

COUNCILMAN MULLIGAN

And, you may have indicated, but what is the average age of a patient?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Our current average age is about eighty-eight (88) years old at the nursing home, and we would be taking folks right from the nursing home, so it would be about that.

COUNCILMAN MULLIGAN

So, would there also be the capacity for some hospice care?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

As part of our program, folks stay there as long as they want until they die, absolutely, yeah, they would never have to be transferred somewhere else.

COUNCILMAN MULLIGAN

I got a number of calls and letters on the salaries of the employees, what would be, I know there's got to be RN's, and there's got to be case workers, and there's got to be Executive Directors, but what would the average salary be of the people that work there, or maybe a range?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Well, the great part of this program, I'm glad you asked, the great part of this program is it's really a universal worker concept, it's not like a CNA and a dietary worker, and a housekeeper, and what happens is because of their dual training, the salary is about fifteen percent (15%), well, it's actually probably twenty percent (20%) higher than a normal CNA, so it would be closer to what a normal LPN salary would for a CNA that chose to work in that home. So, it's really a living wage for somebody, it really, it's a benefit to the residents, but to the staff, as well.

COUNCILMAN MULLIGAN

That service road that the other gentleman mentioned, is that going to remain a dead end, or will that go into the subdivision?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Oh no, that's pedestrian, when Bob talked about access to that, that was so Jefferson Estates could have pedestrian access to the trails, just walking access.

COUNCILMAN MULLIGAN

What is the feasibility of just building four (4), five (5) residential homes that would have met the current zoning requirement and avoid having to come in and do it this way?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Um, yeah, when you are a part of . . .

COUNCILMAN MULLIGAN

It's zoned R-1-20 and you're trying to go R-2-15?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Yes, we are a part of a Robert Wood Johnson Grant, a national grant, we're one (1) of fifty (50) homes across the Country that are doing this type of Greenhouse Project, and it's prescriptive, it's ten (10) residents in a home, so you really need the size of that home in order to have ten (10) residents.

COUNCILMAN MULLIGAN

It's limited by the Grant.

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Correct, yes.

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, as far as, you say there's ten (10) in each home, I'm assuming most of them are not driving people, so you're not anticipating a lot of traffic coming in and out, you said deliveries, five (5) people working at a time . . .

CHARLES RUNYON, PRESIDENT ST. JOHN'S

None of our residents would be driving. These are long term care nursing home residents that need twenty-four (24) hour care, so they would not be driving. As I mentioned, the staff would really be for both of those homes, there would be five (5) staff members during the day, some might drive, some might take the bus, they might carpool, and I'm assuming some of them are going to be coming right from Henrietta. As far as when families visit, families visit at St. John's when, and we have, we're in the city, we have parking issues, so they visit, they know when to visit, when they can come, when there's parking available, or they avoid the traffic in our area, so I would assume families would come to visit when traffic is not at its peak, when it's easiest to get into, so I think families would probably be visiting in off hours.

COUNCILWOMAN ZINCK

I've noticed at my father-in-law's, who was at Brentland Woods, I've noticed that they do that. How is the capability, parking wise?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

The driveways of the garages have four (4) spots, so the staff could park right in the driveway, and then I think there's eight (8) spots, Bob? Eight (8) visitor parking spots available.

COUNCILWOMAN ZINCK

And, that's with both?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Yes.

COUNCILWOMAN McCABE

I'm just looking at the, the drainage map, and it's not your fault, but I don't like it. I don't like what happened with the other subdivision, and I'm looking at the flow of the water, and I would say that any improvement that you could make, and if you receive an approval, would be beneficial to that residential area because right at this point in time, all those arrows are pointing towards some of those houses back there and shouldn't be, and so the drainage, any type of drainage thing, and I would expect our Engineering Department to make sure that that water comes away from those houses and into the area, the creek area where it's supposed to be. That's all the comment I have.

SUPERVISOR YUDELSON

Did you want to comment?

ROBERT CANTWELL, BME ENGINEERING

I apologize for the size of the arrows, that's simply an indication of the way the water flows today.

COUNCILWOMAN McCABE

I know it.

ROBERT CANTWELL, BME ENGINEERING

So, and that includes the area immediately to the north, on the north side of Jefferson Road and again, there is a swale and a drainage way through the property, that's where it goes now, we are, under our proposed plan, we would take all of that drainage and detain it on our site, and then release that, and that's what the second drawing on the left indicates . . .

COUNCILWOMAN McCABE

Right.

ROBERT CANTWELL, BME ENGINEERING

That's the proposed schematic of the drainage, so I think we all agree that drainage is a bit of a challenge.

CHARLES RUNYON, PRESIDENT ST. JOHN'S

I just, sorry, I just had one (1) other item that I think was brought up at, when we met with the neighbors was, you know, was traffic and people coming and going, and I think you brought that up. We did an estimate of the number of times ambulances, or ambulance come to St. John's based upon the number of residents we have, and we would expect that for one (1) house, we would expect once a month an ambulance might come for a

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visit, and maybe three (3) times a month an ambulance might come, maybe somebody needs to go to the cardiologist for a visit, so we took all the numbers we do, and just divided them out by the number of residents that will be there, so there won't be a steady flow of that.

COUNCILMAN MULLIGAN

I know you're exempt from most property taxes, but do you fall under the jurisdiction of Special District taxes, like Pure Waters . . .

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Yes.

COUNCILMAN MULLIGAN

Drainage . . .

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Yes, we pay all the embellishments.

COUNCILMAN MULLIGAN

You pay all the Special Districts?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

Yes.

COUNCILMAN MULLIGAN

And, what's the status of gaining your Permit for the curb cut onto Jefferson Road?

ROBERT CANTWELL, BME ENGINEERING

New York State D.O.T. has a three (3) step process, in terms of how they review and approve a curb cut to their roads, the first step is the conceptual review, and that's what we received when we had met with them a month or so ago, and that's what the letter basically acknowledges that they support the access onto Jefferson Road. The second step is a submittal of basically the permit plan, and we are finalizing that literally as we speak, and we'll be submitting that to D.O.T., that's normally a couple of months period of review on their end, and then the third phase would be the actual permit application materials, things of that nature where they would make comments, we would address the comments, and then the permit would be presumably granted.

COUNCILMAN MULLIGAN

On the Jefferson Road issue, I know their doing Phase Two (2) of that Project beginning this summer, which runs from down at Marketplace Drive down to the expressway, down towards the Post Office, and then it's probably going to be you know, (*inaudible*) they actually go all the way down, I believe to Clover, is that portion in there where Edgewood

is located, we've always had a ton of problems there, we tried to gain a signal light there for years. I have two (2) questions, one (1) does it gain a median down there preventing left hand turns, and two (2) is a light going in at Edgewood, to your knowledge?

ROBERT CANTWELL, BME ENGINEERING

That's a great question. When we met with D.O.T., we actually asked the nature of improvements in this portion of the site, they did say at this point they weren't thinking of a signal, and of course these comments were with the caveat that, you know, not knowing where the funding and the budget at the State level is and certainly that changes daily, but as far as any median or anything like that, they did not indicate that there would be any kind of a median at this location.

COUNCILMAN MULLIGAN

With your curb cut, what is the site distance back to the west, how many feet is that?

ROBERT CANTWELL, BME ENGINEERING

It's approximately seven hundred and fifty feet (750') or so, and that is one (1) of the requirements that we put that on the D.O.T. plan, it is in excess of what is required, so there is adequate site distance.

COUNCILMAN MULLIGAN

Thank you.

ROBERT CANTWELL, BME ENGINEERING

Yes, thank you.

COUNCILWOMAN McCABE

Just as a point of information, the Planning Board will not Approve any Project without the approval of that curb cut onto Jefferson Road. I know they won't.

SUPERVISOR YUDELSON

At this point, I'd like to open it to any questions or comments from, hold on one second, we'll just call people up, and for each of you, if you don't mind, when I call upon you, if you'd come up and give your name and address so the Clerk has it for the Record, and then if you'd please speak (*inaudible*). Come on up.

KATHERINE HERMAN, 42 WATERFORD CIRCLE

Hello everybody, I'm Katherine Herman, and I've never been to a Town Board meeting. I've actually lived my entire life in the inner City of Rochester, and I actually moved to Henrietta three and a half years ago, and I live at 42 Waterford Circle. Does somebody take notes?

COUNCILMAN MULLIGAN

It's taped.

KATHERINE HERMAN, 42 WATERFORD CIRCLE

Oh, you do, alright. I'm here first of all because you did send to my home, the letter informing me of the St. John's Home being built, and I was concerned because they keep speaking about neighbors that were invited to meetings, I'm Edgewood Estates, we weren't invited to any meetings, and so this was quite a shock to get this note in the mail that there was a home being built. St. John's Home is a fine facility in the city by Highland Park, I am concerned though about the traffic a great deal because I get up every morning at 6:00 a.m., and have to get out onto Jefferson Road to get to work. . .

SUPERVISOR YUDELSON

If you don't mind, stand directly in front of the microphone so that people can hear you.

KATHERINE HERMAN, 42 WATERFORD CIRCLE

. . . and, have to take a left hand turn or right hand turn, depending on which way I'm going to work that day, and the traffic is horrendous. I know you can read a lot of numbers and people can tell you, "Oh, there will be only so many vehicles added because of this facility." Well, I would ask the Town Board to come and sit on Edgewood, on the corner and watch the traffic for a couple hours in the morning, a couple hours at lunch time, and good God at five o'clock, it's a scary place from about 5:00 p.m. until about 6:30 p.m., and the cars are bumper to bumper. There are literally thousands of people, Lord knows where they all live, they must all live in Pittsford or Penfield or something, but they're all heading on Jefferson Road, and just to take a left hand turn when I come home from work, it's very dangerous because I worry every night about getting rear ended, and having to take a left hand turn if you want to go towards Pittsford on Jefferson Road, all of this is, without a light, is getting very difficult and will only get worse as more buildings are built, and they can talk about the people that will be working in the facility, but you and I both know that there's going to be people that come in, people that sell things, people that are working at the facility, relatives, there's going to be a lot more traffic, and without a traffic light it's going to be a very serious problem. Now my Father was a City Fireman, so I know there's going to be more fire calls, there will be more ambulance calls, it's all going to happen, which is the natural process of life, but I need you to understand that you've already got a serious traffic problem at Jefferson Road at that area, and this is something to seriously take into account. I'm also concerned, and it's not even my home involved, but these poor people who are, their property is lined right back up to this drainage thing, this is really scary, I'm sure a lot of people are going to be addressing that this evening, but most of all I'm concerned with the traffic, and I thank you, and I hope I come again to another meeting. It's nice to meet all of you, and I did vote for you Mr. Supervisor, so please do not disappoint me and make a good decision this evening. *(Laughter)*

SUPERVISOR YUDELSON

Thank you. Ma'am?

(From audience, inaudible)

SUPERVISOR YUDELSON

Could you come up to the microphone, please?

COUNCILWOMAN McCABE

Name and address, please.

KATHRYN NUSS, 32 NEW TUDOR ROAD

My name is Kathryn Nuss, and I live at 32 New Tudor Road. I have a bunch of issues, but I have two (2) questions that I need to mull over in my mind before I really speak, one (1) being, who would the builder be in this? Number two (2), when they bought this property, did they also buy an access *(away from mic, inaudible)*

DANIEL MASTRELLA, TOWN ATTORNEY

Ma'am, pardon me? If you're going to walk away from the microphone, can you take it with you?

KATHRYN NUSS, 32 NEW TUDOR ROAD

Did they purchase, at the time they bought the 6.8 acres, access from Dover into that property? The second plan here that they have shown with eleven (11) houses built, three (3) on Jefferson Road, and the rest of them back in, goes into Dover Road, and my question is, at the time they bought the 6.8 acres did they also purchase access from that what they call a "nub," which really has two (2) driveways off it for a home, so plan one (1) shows entrance and exit onto Jefferson, the other plan they say they can build with the existing zoning has a road going through, did they purchase that property? I understood it was part of Jefferson Estates? That's my question and who will be building?

SUPERVISOR YUDELSON

Before asking the Applicant to respond, as far as the builder and that, our Town Engineer, Mark Byrne, I'd like to call upon, and Mark, if you could speak to that issue of that stub road, and I'm sure that, that was put in there as a requirement, but first talk about the involvement and how normally that would happen if somebody was looking, you know, as is with the current zoning they could come and build homes, but specifically this woman's question and then how that would be addressed if the Planning Board was saying you need access.

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING

Well, the stub road was a mandate by the State of New York as an access for that

property at a later date when Jefferson Estates was approved. It's a Right-of-Way that the Town owns currently, so it could provide access to that site if they were denied on Jefferson Road.

SUPERVISOR YUDELSON
So, it's not a purchase issue.

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING
No, it's a Right-of-Way owned by the Town.

SUPERVISOR YUDELSON
It's under the current zoning.

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING
But, it's not built to Town standards.

SUPERVISOR YUDELSON
Right, it would have to be approved; the Town requires that it be approved.

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING
Right.

COUNCILWOMAN ZINCK
Right, but just, can I ask you one (1) other question while you're up here?

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING
Sure.

COUNCILWOMAN ZINCK
But, they would not need to come to us for approval if they were to build that Project, and then that stub road would most likely go there because they wouldn't want twelve (12) homes or whatever going out onto Jefferson Road, correct?

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING
Well, the State thought that it would be best to put that stub in to try to channel all that traffic through the one (1) Jefferson Road access at Jefferson Estates.

COUNCILWOMAN McCABE
I think, having been on the Planning Board and looking at that original, that is the original plan, the State of New York never would have approved a curb cut to Jefferson Road for that, they would have insisted on it being connected if it was for a subdivision, but based upon what it is for now, which is a little bit different use than the two (2) subdivisions, I can see why the State would then consider giving them an approval to come out right

onto Jefferson Road because it's a slightly, it is a residential use, a slightly different residential use, and so it goes right out to Jefferson Road then, they would, I could see that they would do that.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, just to respond to the lady about the property that's owned by the Town, the access road, it was my understanding that when the Supervisor first met with the Applicant from St. John's, one (1) of his requirements for them coming into this meeting was that they would get a separate curb cut and not go through the neighborhood, and I think he had good foresight and good judgment in doing that.

SUPERVISOR YUDELSON

I would also say, just as far as the Applicant's willingness to work with the Town, when they did first come in and present the concept to me, it involved four (4) buildings, and my request to them was to scale back and I thought it would be, that would also be the sentiment of the Town Board and they did in fact do that. Ma'am, I'll call you again in a minute, Sir?

DAVE DeGRAFF, 137 NEW TUDOR ROAD

I'm Dave DeGraff, here with my wife, Sharon, from 137 New Tudor Road, I think we would have the most impact to the drainage issue, and what I'd like to do is show you what the drain looks like right now.

COUNCILMAN MULLIGAN

How would you rank your drainage right now, A to F?

DAVE DeGRAFF, 137 NEW TUDOR ROAD

(Away from mic, inaudible)

COUNCILMAN MULLIGAN

No, currently, what is it? Is it great drainage, is it . . .

DAVE DeGRAFF, 137 NEW TUDOR ROAD

It's, it has been a disaster, as you can see from the photographs.

COUNCILMAN MOORE

(Inaudible)

DAVE DeGRAFF, 137 NEW TUDOR ROAD

That's probably disaster.

COUNCILMAN MOORE

Yeah, you need a row boat.

DAVE DeGRAFF, 137 NEW TUDOR ROAD

And, the chicken wire on that grade is the builder's response to how we keep the leaves out of the, from clogging the situation. You've heard that the original plan is one quarter of the size it should be, that was approved by, I believe the Town through a architecture study, land study that was done previous to Phase Three (3) being put together. So, I think we would have the most to lose, myself and a neighbor, in terms of the drainage. We're absolutely in favor of this Project going forward because the belief is in meeting with their Engineers in the time they've given us that this will mitigate probably seventy (70%) or eight percent (80%) of the problem that we have. So, we think, not only is this a good concept, but they've worked very closely with us to determine what our issues are from a drainage standpoint, and we believe that we've answered those questions satisfactorily. So, we're here to say, "Please approve this," because we don't want to go through this situation again. We would also ask two (2) other things, because there was an original error, by whom we don't know, of under sizing the storm sewer for this area, we would ask that any approval be contingent upon an independent study from an outside source, not associated with the Town, not associated with the St. John's engineers to be done for a drainage study, we would like that to be independent. In speaking with Mark earlier this week, he suggested that that may be a good idea, so we would like to see that contingent upon this, and is it also our understanding that there is no public comment at the Planning Board level?

SUPERVISOR YUDELSON

That is normally the course, the Planning Board Chairman can, at his discretion, set up a meeting and I think that's something the Board would probably . . .

DAVE DeGRAFF, 137 NEW TUDOR ROAD

We would strongly request that we be allowed to address this issue there, so we're here, I think we have the most to lose if the drainage isn't done correctly, and thank you, for your time.

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, the Planning Board does accept and read any written comments sent to it prior to the meeting that it has on any Application. So, if you have any written comments, send them directly to the Planning Board.

SUPERVISOR YUDELSON

Ma'am?

AUDIENCE MEMBER

This is my first time at one (1) of these Hearings, so just kind of bare with me.

SUPERVISOR YUDELSON

Welcome.

KIMBERLY THOMAS, 1725 JEFFERSON ROAD

My name is Kimberly Thomas, I actually live two (2) doors west of the proposed property, and as far as any drainage issues, I see probably more of that than anybody in the area. There must be some underground water that goes through the area that builds up and pools behind my backyard, has flooded my neighbor's basement, another neighbor of mine's basement, which didn't have the integrity to be here tonight. My biggest concern is the traffic of course, we're on the corner of Edgewood Avenue and Jefferson Road, there's nothing but, on any given Sunday, there's more accidents there, there's no traffic light, just the volume and congestion through there is crazy, you know, I can't even get home, I work within a mile from my home, and sometimes just cornering Winton Road to get to Jefferson Road to get to my house may take me five (5) to ten (10) minutes because there's an accident there, and there's no possibility, I don't think we could ever put a traffic light there, there's one at the corner of Winton and Pinnacle. As far as green space, that's another one of my concerns, this property goes in, has there been an environmental survey done by the D.E.C. or anything like that as far as wildlife?

SUPERVISOR YUDELSON

No, but that's part of the process.

KIMBERLY THOMAS, 1725 JEFFERSON ROAD

Okay, because I'm concerned about that because we've got so much loss of green space in Henrietta, that's another one of my concerns, I've got beautiful animals, wild turkey and deer, and they're running out of places to go.

SUPERVISOR YUDELSON

I want to point out as far as that issue because I've had a conversation with some of your neighbors . . .

KIMBERLY THOMAS, 1725 JEFFERSON ROAD

Sure.

SUPERVISOR YUDLESON

About that, and I just want to make sure that people understand, under the current zoning . . .

KIMBERLY THOMAS, 1725 JEFFERSON ROAD

I understand.

SUPERVISOR YUDELSON

Those homes, for instance, as that drawing suggests, could be built without Town

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approval, so we don't really have the authority to say, "We don't want anything built there."

KIMBERLY THOMAS, 1725 JEFFERSON ROAD

Okay.

SUPERVISOR YUDELSON

It's a matter of what we might think will be appropriate. So, the traffic, obviously, is a concern, and a good concern.

KIMBERLY THOMAS, 1725 JEFFERSON ROAD

It's a nightmare, I mean, I go to work at 11:00 a.m., I don't go at 8:00 in the morning, 11:00 in the morning, it may take me five (5) to seven (7) minutes to pull out of my driveway, and then I've got people, I live just a little east of Surrey Hill Condominiums, I've got to turn my turn signal on well before I pull in my driveway, and I've got people that are ready to rear end me when I'm pulling in my driveway, when I turn my signal on at a quarter a mile back! It's ridiculous!

SUPERVISOR YUDELSON

I think the, two (2) points on that, so the issue for the Town Board, even though the traffic we know is bad, is within . . .

KIMBERLY THOMAS, 1725 JEFFERSON ROAD

It's horrific.

SUPERVISOR YUDELSON

A different scenario, would it be adding more, however many homes are indicated on that or this Project, not the aspect of you don't want anything to go there because we don't have that authority.

KIMBERLY THOMAS, 1725 JEFFERSON ROAD

And, I don't know how many people are, you know, the Permit petition or whatever, I'm sorry because this is my first time here, but I know there's a lot of people at condominiums across the street at Edgewood Avenue that might not even had seen this, or at Surrey Hill that have children on school buses or my neighbor has a daughter on a school bus, I mean, that's a big concern for us. Personally, I don't have children of my own, but I've seen too many accidents there, too many ambulances, and I don't want to see anything more.

SUPERVISOR YUDELSON

The other point I was going to make is, as Councilwoman McCabe had indicated, the Town has repeatedly over the years asked about having a traffic light there at Edgewood.

KIMBERLY THOMAS, 1725 JEFFERSON ROAD
Edgewood.

SUPERVISOR YUDELSON
The State has turned us down.

KIMBERLY THOMAS, 1725 JEFFERSON ROAD
I don't know how they could do it. I can't blame them, they probably do because they can't back traffic up through Winton . . .

SUPERVISOR YUDELSON
I think that's their, they think that on a road like that where it has a lot of traffic . . .

KIMBERLY THOMAS, 1725 JEFFERSON ROAD
It's too much. You have people going through Winton and Jefferson and then you got Clover Street down the road, people can't even get to Pittsford without twenty-five (25) minutes through the Town, and then the last thing I just wanted to say in regard to ambulances, maybe once a month or whatever in a residential community or an elderly community, I'm sorry, I know people that work at hospitals, they're elderly people, there's going to be ambulances coming and going all the time, I don't care to see, you know, I don't oppose the issue of a nursing home, but maybe there's a better place to put it. I just don't want to look at it in my backyard, I appreciate what I have, I don't want to see street lights basically with the parking lot with ambulances and things like that coming and going. So, I just appreciate you listening to what I have to say.

SUPERVISOR YUDELSON
Thank you.

KIMBERLY THOMAS, 1725 JEFFERSON ROAD
Thank you.

SUPERVISOR YUDELSON
Is there anyone else who would like to speak? Sir?

THOMAS SESOCK, 1795 JEFFERSON ROAD
My name is Tom Sescok. I live at 1795 Jefferson Road. It's two (2) properties east of the proposal. This drainage thing is a big issue. The problem I have is that when Jefferson Estates was put in Phase Three (3) was raised probably six (6') to eight foot (8') higher than what the original plan was. So, my concern is that this happened with the Planning Board, this happened with the builders, what's to stop it from happening again and not being done properly. It took me two (2) years to finally get a swale put in because my property was flooding constantly. It's still wetter than it used to be. I'm also concerned about the drainage going down in front of the property and going into that

because everything's on the front of that property from that hill all the way down, drains into that whole area right there, there's a small creek in there, and that whole thing is always swampy every Spring, so that's a concern with the drainage going that way also. And, as far as the light over there, don't put the light up, you'd make it worse to get in and out.

COUNCILWOMAN McCABE

That's what the State said.

SUPERVISOR YUDELSON

Thank you. Sir?

DAVID VITALE, 125 NEW TUDOR ROAD

Good evening. My name is David Vitale. I live at 125 New Tudor Road with my brother, Ron. In a perfect world we would love that to stay forever wild and not be developed, but if we had to look at all the plans and work with all the organizations, we really support St. John's concept, they've been very receptive, they've been responsive to our needs, they met with us, we have access to them by telephone, so we're very much appreciative of that. And, if it has to be developed we would like the support to go to St. John's because we really believe they have the where with all, and the good will to take care of the drainage and preserve the integrity of our land, and I live right on that stub street, so it impacts me greatly. Thank you.

COUNCILMAN MULLIGAN

Sir, how is your drainage now?

DAVID VITALE, 125 NEW TUDOR ROAD

My location doesn't have a drainage problem because I'm one (1) of the higher points.

COUNCILMAN MULLIGAN

(Inaudible)

DAVID VITALE, 125 NEW TUDOR ROAD

I'm one of the higher points, and it goes down rapidly below me, now we do have points in the year when we have some water problems, but not as critical as some of the others. My issue has been the stub street, and having some other development, and bringing all kinds of traffic flow into the neighborhood. So, I support the concept both selfishly and altruistically, and I also support the where with all, and the good will of the Organization because they seem to have been really responsive *(inaudible)* and we're going to hold them to all of the promises, and hopefully our input will continue to be made in terms of the landscaping and architectural design, as well as the drainage issues, but we support that concept going out onto Jefferson Road and not impacting our neighborhood. Thank you.

SUPERVISOR YUDELSON

Thank you. Is there anybody else who'd like to speak? Sir?

HAROLD RUSSELL, 17 DOVER ROAD

Harold Russell, 17 Dover Road. Keeping in mind everything that's been said, I have an aunt that's a resident of St. John's and they are a five (5) star quality operation. With that in mind, I am in favor of the Application.

SUPERVISOR YUDELSON

Thank you, Sir.

AUDIENCE MEMBER

I think we would have just as much traffic if we came through Jefferson Estates then if we came through Jefferson Road, the traffic would be the same.

SUPERVISOR YUDELSON

Could we have your name and address for the Record?

ELAINE SCHROEDER, 129 NEW TUDOR ROAD

Elaine Schroeder, 129 New Tudor Road.

SUPERVISOR YUDELSON

Well, yes I think the amount of traffic (*inaudible*)

ELAINE SCHROEDER, 129 NEW TUDOR ROAD

Yeah, and we support St. John's Home and we think they'll go to their word and be careful of the drainage because we did have drainage problems, and since the Temple put their ponds and their dams in, it's been better, so that has helped a great deal. Thank you.

SUPERVISOR YUDELSON

I'm going to call on people who haven't spoken yet, and then people who had more questions. Ma'am?

LORRAINE ANDERSON, 124 CHURCHVIEW LANE

Good evening. My name is Lorraine Anderson, and I live at 124 Churchview Lane, and I'm glad to see you folks this evening. I am formerly the Director of the Monroe County Office for the Aging, and so I have had both professional and personal experience with St. John's Home, and I think we should be delighted that they have chosen to come to Henrietta to help serve some of the residents of Henrietta, I do hope that employees will be able to be Henrietta residents as often as possible, too. The Greenhouse concept is really the wave of our future in our Country, and personally, I think it's the kind of place I

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might like to live out my last days if I needed this kind of assistance, and I think we really are very lucky that they have proposed to do this in our Town, this really could be a national model, something that we all could be very proud of. I do have some concerns about the drainage issues, but I think the Application as well gives us an opportunity to fix a problem that we have known about, and it's the perfect opportunity to mitigate those circumstances, and to provide long lasting solution for all of the neighbors. I think that I can speak for a lot of my neighbors to say that we would welcome these new neighbors to our area, and I think some of us have already talked about some volunteer work perhaps there and visiting with them. So, I urge your approval of the Application.

SUPERVISOR YUDELSON

Lorraine, before we let you get away, given your previous history with the folks for the Office of the Aging, a question I was going to ask Mr. Runyon, but I think (*inaudible*). This concept, in addition to them pursuing that, my understanding is that the Agencies that regulate these types of services, this is where they're trying to direct where the services go . . .

LORRAINE ANDERSON, 124 CHURCHVIEW LANE

If you think about the community residences that have been built over the last twenty-five (25) years or so for developmentally disabled people, it's the same kind of a concept that everyone wants to live in a home like setting, they want to be with friends, they want to be in a non-institutional setting. This is going to be home, and it's going to look like a home, and feel like a home, and as such, you know, they will interact with neighbors and not feel that they've been kind of stored away until the end.

SUPERVISOR YUDELSON

Thank you.

LORRAINE ANDERSON, 124 CHURCHVIEW LANE

Thank you.

RONALD ALT, 73 HILLBROOK CIRCLE

My name is Ron Alt, I live at 73 Hillbrook Circle with my wife Mary. Can you hear me in the back because I know when I was sitting back there I couldn't hear very well. Is that alright? Is that better for everybody? We moved into Henrietta back in the early 70's and then in the early 90's we moved over to Hillbrook Circle. One of the things we liked about our piece of property was the beautiful trees that we have behind us, in the summer they're all (*away from mic, inaudible*)

SUPERVISOR YUDELSON

If you're going to go over to that map, if you could take that portable microphone with you. Take your show on the road there.

RONALD ALT, 73 HILLBROOK CIRCLE

This is the proposed sketch, this is our house right here, and as you can see we're going to face this grassy area, right now the trees are primarily in the center of this lot, the first trees are at least ten (10) to twenty (20), maybe thirty feet (30') back, so if this is cleared, there won't be any trees here, so our goal in this is to negotiate with the developer is to put some trees in here so we can preserve that beautiful marine background, which not only gives us a nice view, but also it also cuts down some of the sounds from Jefferson Road. We want this because we don't know if we really want to be looking into this garden area whether they might put picnic tables back there, and there might be other people, we don't know what kind of people might be slipping in there during the night when there's nobody watching, so we'd like to have something like that, that's our prime concern. I think rather than have individual homes back there, my wife and I are leaning more toward approving this, in our opinion, this Greenhouse concept, but I know that there's water problems because we've already had some now that Jefferson Estates is in there, although I've been to the Town, and they say there's no relationship, it's coincidental because I've lived here thirty (30) some years, never had problems until two (2) years ago and all of a sudden my sewer backed up and I face the other way. So, that's all I wanted to really talk about, and thank you, for the time.

SUPERVISOR YUDELSON

Ma'am, did you have a follow-up comment?

KATHERINE HERMAN, 42 WATERFORD CIRCLE

Katherine Herman, again. It's not really a follow-up comment, it's more of a question. I wondered because I've been sitting here hearing about drainage so long, I wondered who in the world built Jefferson Estates because obviously St. John's, well seriously, I'm not being mean, but obviously St. John's would want to know who built them so they don't hire the same people, and I know because I live at Edgewood Estates, it was built by Mark IV, they did a horrible job, so I mean, St. John's should really be careful about who they hire because obviously the people that built Jefferson Estates didn't know what they were doing, they're not too good with Edgewood Estates, so they should really look into who they're hiring. That's just my comment.

SUPERVISOR YUDELSON

Thank you, very much. That goes to the question from before, and Mr. Runyon, if you want to respond to that, I'm pretty confident that it's not the same builder, but as you were asked before, who will be building this?

CHARLES RUNYON, PRESIDENT ST. JOHN'S

(From audience, inaudible)

SUPERVISOR YUDELSON

Can you just come up to the microphone, even though it's a short answer, just so we

have it on the tape.

CHARLES RUNYON, PRESIDENT ST. JOHN'S
The builder will be Pride Mark Homes.

COUNCILMAN MULLIGAN
Where are they out of?

(From audience, inaudible)

DANIEL MASTRELLA, TOWN ATTORNEY
Jim, you have to come up to the microphone.

SUPERVISOR YUDELSON
That's why we retain a Town Attorney.

COUNCILWOMAN ZINCK
He's doing a good job.

SUPERVISOR YUDELSON
He's doing a good job.

JIM BARBADO, PRIDE MARK HOMES
I'm Jim Barbado from Pride Mark Homes, and we've been building since 1972. We build a variety of houses, and we're actually building four (4) greenhouse style assisted facilities in North Chili right now, and we're about halfway through our construction project out there and it's going very well. Those will open up in April or May of next year.

COUNCILWOMAN ZINCK
What else have you built that we might be familiar with?

JIM BARBADO, PRIDE MARK HOMES
As far as homes? You can go to Perinton, Mayfair Park is a mix of eighty (80) townhomes, fifty (50) patio homes, and about forty (40) single-family homes across Eagle Vale, Fairmont Hills is about another one hundred (100) houses developed throughout Penfield and Chili, we probably built throughout the years about fifteen hundred (1500) homes in the area.

COUNCILMAN MULLIGAN
Have you had a chance to look at the drainage problems here yet, or not?

JIM BARBADO, PRIDE MARK HOMES
I've been working with them right along with BME, as well as St. John's.

COUNCILMAN MULLIGAN

What are your initial thoughts on it?

JIM BARBADO, PRIDE MARK HOMES

My feeling is, sitting back here, that this is the best thing that could happen for the neighbors and for these people because if I were to come in as a conventional home builder, that would be similar to what the plan would look like, and that doesn't allow me to oversize a pond area that's going to help the surrounding neighbors, I'd be able to take care of myself on a project like that. Now with St. John's going from four (4) homes to two (2) homes, we've created a lot more space on the property, and we have the ability to oversize our pond and drainage system to really help the neighbors in the area, and I've been involved in a lot of projects, and I do commend St. John's and BME that they've been very proactive with the neighbors, and the communication is better than I typically see, and they've been with the neighbors at a very early stage, and really spending money early in the process. Typically, the developer doesn't want to spend money researching drainage before they get a little further along with the Town. Whereas, we've been proactive here, and we're researching the drainage, and helping the neighbors in the very beginning, so I think we're off to a good start. Thanks.

KATHRYN NUSS, 32 NEW TUDOR ROAD

Again, Kathryn Nuss, 32 New Tudor Road. At the very beginning of this Board's existence as it is today, I wrote to the Town and I said, "I am a Henrietta resident, I am a member of the Republican Committee, and I am willing to work in any capacity to upgrade zoning in Henrietta." I did not get a reply. To all of the people that want green space, to all of the people that have been to numerous Board meetings saying, "We want a small Town concept with any building in Henrietta," to all of the people north of the Thruway that have said, "We don't want to be just another Brighton," with more and more commercial projects and everything else. I'm here not just because I live in Jefferson Estates, but I'm here because we need something more in Henrietta. I again, volunteer my time, I volunteer my expertise and research, I have looked into the fact that there's government federal money out there for loan property, and when Mark IV built, all of that wonderful top soil was sold and we have clay.

COUNCILWOMAN ZINCK

Oh, yeah, we have clay.

KATHRYN NUSS, 32 NEW TUDOR ROAD

I asked the builder to come put a stake in, and he goes, and I have one of those seventy pound things, and he was like this, "Oh, it's hard, is there cement down there," no not yet, I'm trying to dig to put the cement in, but anyway, I can laugh about all of this, I can also laugh about the pond and the geese, I can also laugh about the fact that water now runs downhill and Henrietta ran right in, and you put a swale behind my house, very nice of you really enjoyed it after I had dug up and put in a French drain or just a surface

drain, and then the Town says, "Gee, that's not enough," and they came and put a three foot (3') deep drain in, and I again, when it was spring when the clay was soft enough so I could dig, went out and put another surface drain. The neighbor next door to me cried, like my neighbors have cried, we have a water problem. They knew I was away because I know it's wetlands up there, and I wouldn't have let them touch it, so when I went away and when I came back the Town had sent a dozer in off Jefferson Road, and they put in a new system to collect the water. So, now my neighbor's yard, even though it's wetlands up there, they don't have a problem with water in their backyard, this is in Jefferson Estates, the Town did that. So, I don't think it's St. John's problem alone, the water problem that's been created by undo, overdeveloping of areas that are considered wetlands because the Government changed the definition of wetlands. That's my first thing, something more has to be done than people sitting here arguing about simple problems over one problem, over one (1) project. Whether you vote on the Project or whether you don't vote on the Project at this time, I have neighbors on both sides that are saying, "Support it or don't support it, thank God it's not my decision right now." I preferred that the zoning would have been changed this time, that we'd be looking for oversized lots if we were going to be building on any property there because of the overuse of land, because of the water problem, I ask the people that were building this lovely place, "What is the water table there?" Gee, I don't know, I think you need the Geologist to do that kind of survey. Well, it would be nice to know if you're just going to deal with surface water, what's going to happen with the water table, it's obviously been changed, people that never flooded before and being flooded. Some of these issues need to be addressed before we go "willy-nilly" into developing yet more. As far as getting out on Jefferson Road, as far as you putting something through on Dover, I can sit, being retired, I don't have to leave during rush-hour, I can sit for almost five (5) minutes at any given time between 10:00 a.m. and 3:00 p.m., and have trouble turning left on Jefferson Road. My favorite thing to do now is to turn right and go down Locust Hill Drive, turn around in one of the driveways, or pull in one of the fields, and then I can get into traffic one way. You have to wait until the lights on both Winton and Clover end, and the traffic stops, and you've got this little window and you pray no jackass was speeding because then they've taken that space up on you. That's how you get out on Jefferson Road now, I'm being humorous. I've also laughed about the pond because we've hired the dogs, we've done numerous things, as I say, I don't have a pool in my backyard because I've got a surface drain so it bubbles up over (*away from mic, inaudible*) So, they're not swimming in my yard anymore, but because Henrietta was nice enough to take care of my neighbor who had a water problem, now we have to sprinkle in the backyards in the summertime because they drain the wetland up there, which will make the guy with the 2.8 acres very happy because he can now make it commercial and they can all be happy. Um, the ducks, there we go, when said to someone, "Gee, how are you going to keep the ducks away." Well, we are going to encourage the residents to do some fishing and get out there. And, I kind of froze. I don't want my eighty-eight (88) year old Grandmother out there fishing when she can't really feed herself, I'm not sure I want her by a pond fishing, and she said, "No, no, no,

no, we are going to have, when families come, we'll encourage them to go out there and enjoy the pond." And, I thought, "Okay, but you only have ten (10) parking spaces, where, if families come, or you have a Christmas party or the Fourth of July party, or the summer gathering of residents and families, where are they going to park? And they said, "They can park along the driveway going in and out." And I said, "Oh, I'm sure the Fire Marshal will be thrilled to hear that." These are the kinds of things I'm concerned about, you can say anything, you can do anything, St. John's may be wonderful neighbors, but I will ask three (3) questions like most lawyers do because I know the answers. There is a ten (10) resident home on Pinnacle, has there been more problems with staff, not the people living there, people that come into the area and out of the area, has there been more problems or has there not? Have there been more police presence because of some of the problems that have been caused, and of course I know the answers to all these. Have there been more traffic problems? The answer to those three (3) questions on Pinnacle are yes. Has any of that been addressed? And, that would be what I would leave the Board to think about tonight. Thank you.

SUPERVISOR YUDELSON

Is there anybody else who wanted to speak? *(Pause, no response)* If not, I'll close this Public Hearing and thank everybody for coming. As I said, we will not be voting on this tonight, I just wanted to mention because we don't know exactly which meeting, we'll most likely vote in January, but not certain at this point which meeting. I would encourage anyone, number one (1), we'll put the information on the Town website, but if you wanted to have it emailed to you, just go on the Town website and look under my name for the email that comes to me and just send me an email saying you'd like that, and the townofhenrietta.org will maintain a list and do that when we know for sure, but in general it will be posted on the website.

KATHRYN NUSS, 32 NEW TUDOR ROAD

(Away from mic, inaudible)

SUPERVISOR YUDELSON

We can't refuse it, but they could direct it out away other than Jefferson Road, which we're glad to hear that they didn't. At this point, before moving onto the Regular Agenda, we'll take a two (2) minute in place recess just to allow people to leave. You're more than welcome to stay for the rest of the Town Board meeting, but I know many of you want to head on home. Thank you.

(Brief Intermission)

SUPERVISOR YUDELSON

We'll now move into the Resolutions. May I have the first Resolution, please.

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RESOLUTION #24-243/2008

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

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

EXHIBIT A	Bills Payable dated 12/17/2008	\$ 264,125.80
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SUPERVISOR YUDELSON

Under discussion, didn't we have more Department Heads before? Did they all leave? No, I'm kidding, a couple of them had conflicts.

COUNCILMAN MULLIGAN

It's time to re-organize.

SUPERVISOR YUDELSON

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 #24-244/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, Certiorari proceedings have been commenced by various property owners to challenge their property assessments in the Town of Henrietta, and

WHEREAS, Arnold Goldman was hired by the Town of Henrietta to act as the Special Counsel in Certiorari proceedings, and

WHEREAS, the Town Board hereby approves and ratifies the hiring of Mr. Goldman, and his representation of the Town of Henrietta on past and future Certiorari matters, and

WHEREAS, Mr. Goldman has submitted an invoice for said services.

TB December 17, 2008

THEREFORE, BE IT RESOLVED, that the Director of Finance be authorized to pay Arnold Goldman of the firm Goldman and Goldman, 3 Leeward Lane, Rochester, New York 14618, the sum of \$10,106.25 for services rendered.

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 #24-245/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, it has become necessary to Contract for professional real estate appraisal services for the certiorari action filed by Wendy's of Rochester, for the premises located at 3050 Winton Road, 4747 West Henrietta Road, and 566 Jefferson Road, all in the Town of Henrietta, known as Tax Account Nos. 149.20-2-20.1, 175.03-1-3.2, and 161.08-1-9 for the assessment roll years 2005, 2006, 2007, and 2008, and

WHEREAS, this appraisal requires specialized experience and knowledge.

THEREFORE, BE IT RESOLVED, that Jay Loson, MAI, of Midland Appraisal Associates, 673 Panorama Trail, Rochester, New York 14625, is hereby engaged to perform real estate appraisal services, conforming to the applicable standards, for a fee not to exceed \$13,300.00, with necessary court testimony and trial preparation being billed separately at an hourly rate of \$175.00 per hour.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Jay Loson, MAI, of Midland Appraisal Associates, an amount not to exceed \$13,300.00, with necessary court testimony and trial preparation being billed separately at an hourly rate of \$175.00 per hour, upon the submission of all proper documentation.

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 #24-246/2008

On Motion of	Seconded by
Councilman Mulligan	Councilwoman Zinck

BE IT RESOLVED, that the Supervisor be authorized to sign, on behalf of the Town of Henrietta, the attached extension to the New York State Snow and Ice Agreement for the 2010/2011 season.

BE IT FURTHER RESOLVED, that this extension shall commence on July 1, 2010, and expire on June 30, 2011.

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 #24-247/2008

On Motion of	Seconded by
Councilwoman Zinck	Councilwoman McCabe

WHEREAS, the County of Monroe, the Town of Henrietta, and other towns in Monroe County are eligible to receive grant funding under the New York State Local Government Efficiency Grant Program for the 2008-2009 program year, and

WHEREAS, the County of Monroe and the Towns of Brighton, Greece, and Henrietta have identified an aerial lift bucket truck, at an estimated cost of \$85,000.00, as a piece of equipment which could be purchased cooperatively to enable the County to assume responsibility for the maintenance of all town owned traffic signals in the three (3) Towns, along with the maintenance of County traffic signals, and

WHEREAS, Monroe County shall act as the "Lead Applicant" for the LGE Grant Application and Terrance J. Rice, P.E., Director of the Monroe County Department of Transportation, shall be named as the "Lead Applicant Contact Person" on the Grant Application Form, and

WHEREAS, the Efficiency Implementation Grant will fund ninety percent (90%) of the purchase price of \$76,500.00, and the County, as Lead Applicant, will provide the ten percent (10%) local share of \$8,500.00, with no funding required by the three (3) Towns.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta shall be a "Co-Applicant" with the County of Monroe and other Monroe County Towns on an Application for a Local Government Efficiency Grant from the State of New York.

BE IT FURTHER RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, any documents related to this Grant Application.

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 #24-248/2008

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the County of Monroe has extended an offer to municipalities within the County to utilize Monroe County Fleet Services for mechanical repairs, preventative maintenance, and body work for their respective fleet vehicles at a cost of Fifty-Five Dollars (\$55.00) per hour, plus parts, and

WHEREAS, the County has extended an offer to municipalities within the County for access to and the purchase of alternative fuels, within pricing established by the County, and

WHEREAS, the County and municipalities within the County all own and operate various pieces of machinery, tools, and equipment, which may be mutually shared pursuant to a Shared Services Agreement, and

WHEREAS, the County has proposed such a Sharing Agreement to municipal agencies within the County, and

WHEREAS, the Town of Henrietta desires to participate in the combined Intermunicipal Agreement with the County, and various other municipalities within the County.

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, the Intermunicipal Agreement for Fleet Services, Machinery, Tools, Equipment and Services Sharing, and Access and Sale of Alternative Fuels.

TB December 17, 2008

BE IT FURTHER RESOLVED, that the term of this Agreement shall be from January 1, 2009 through December 31, 2033, renewed annually, upon the mutual written consent of the parties intending to continue participation in this Agreement.

SUPERVISOR YUDELSON
Discussion?

COUNCILWOMAN McCABE
I'd like a little more explanation of this shared equipment, who purchases the equipment, and then if we purchase a loader, okay, say we have a loader and we purchase that, then we loaned it out to them and they don't pay for the time, or do they pay for the use of the equipment under this?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS
First of all, this doesn't commit us, we don't have to do anything. This just provided the frame work for it if we do want to loan with no money, or rent with money coming back, equipment to another Town or to the County, this provides the way that it can be done legally.

COUNCILWOMAN McCABE
Okay, that answers that.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS
We're not committed to anything.

COUNCILWOMAN McCABE
Thank you, because that's a long time.

COUNCILMAN MOORE
Hey, Rusty, before you go away.

COUNCILWOMAN McCABE
2033.

COUNCILMAN MOORE
Do we actually ever utilize this Agreement?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS
Once in a great while we do use it.

COUNCILMAN MOORE
Did you get a wheel roller from somebody this summer that you used?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Right, we borrowed a roller from Odgen this summer when we did our chip sealing, and there's no money changing hands, we're just borrowing their roller for a couple of weeks. The main thing the County wants to have something like this for is in case of an emergency like another ice storm or something, this provides the way we can loan equipment back and forth and work for other Towns or they can come work for us.

COUNCILWOMAN McCABE

That's very good, thank you, Rusty.

DANIEL MASTRELLA, TOWN ATTORNEY

Regarding the duration of it, for the terms of the Agreement, the Town can really get out of it on very short notice at virtually anytime.

COUNCILWOMAN McCABE

Okay, thank you, because it's tough for this Board to lock in another Board for that length of time.

DANIEL MASTRELLA, TOWN ATTORNEY

It really doesn't lock you in.

COUNCILWOMAN McCABE

Okay, thank you.

SUPERVISOR YUDELSON

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 #24-249/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, the 2009 Animal Control Budget provides funds for the purchase of one (1) new cargo van to replace truck #5, and

WHEREAS, a replacement van, meeting specifications, is available through New

York State Contract PC62818 from West Herr Ford, Inc., at a total cost not to exceed \$16,342.33.

THEREFORE, BE IT RESOLVED, that West Herr Ford, Inc., 5025 Camp Road, Hamburg, New York 14075 be hereby awarded the purchase of one (1) new 2009 Ford E-250, cargo van, per specifications.

BE IT FURTHER RESOLVED, that the Director of Finance, upon delivery and receipt of all proper documentation and his acceptance of same, be hereby authorized to pay West Herr Ford, Inc., in an amount not to exceed \$16,342.33.

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 #24-250/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the 2009 Parks and Facilities Budget provides funds for the purchase of one (1) new pick-up truck to replace truck #215, and

WHEREAS, a replacement truck, meeting specifications, is available through New York State Contract PC62886 from Van Bortel Ford, at a total cost not to exceed \$18,072.75.

THEREFORE, BE IT RESOLVED, that Van Bortel Ford, 7325 Route 96, Victor, New York 14564 be hereby awarded the purchase of one (1) new 2009 Ford F-250 4X4 Pick-up Truck, per specifications.

BE IT FURTHER RESOLVED, that the Director of Finance, upon delivery and receipt of all proper documentation and his acceptance of same, be hereby authorized to pay Van Bortel Ford, in an amount not to exceed \$18,072.75.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Just under the subject of discussion, any chance (*inaudible*) Alright, I know we talked about hybrids.

SUPERVISOR YUDELSON

It appears unlikely that we could do it, whereas before we bring in a non-hybrid for those vehicles we had put in the Budget for 2009, we are doing some more checking, they're not going to be available, we're told the wait is eighteen (18) months or longer. *(inaudible)*

COUNCILMAN MULLIGAN

Good intentions though.

SUPERVISOR YUDELSON

Absolutely. 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 #24-251/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following person be hired:

Christina M. Englert	Engineering, Engineering Aide @ \$9.50/hr., effective 12/8/2008.
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BE IT FURTHER RESOLVED, that the following employee change be made:

Curtis Wooderson	Highway, Part-time Wingperson @ \$8.50/hr., effective 12/1/2008.
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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 Yudelson voting Aye
 Carried

SUPERVISOR YUDELSON

That concludes the Regular Agenda, before adjourning, is there anyone who would like to speak on any item involving the Town of Henrietta?

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Yes, Linus Rautenstrauch, 1412 Martin Road, West Henrietta. This is easy, I just want to wish everybody on the Town Board, thank you to those in the back, and any other attending, Merry Christmas, Happy Holidays, and a healthy and prosperous New Year.

COUNCILWOMAN ZINCK

You as well, Linus.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

And, bring a lot of money into the Town one way or another.

SUPERVISOR YUDELSON

Thank you.

COUNCILWOMAN McCABE

We're trying, Linus.

COUNCILWOMAN ZINCK

Thank you, Linus.

COUNCILWOMAN McCABE

Before I move to adjourn, I'd like to wish everybody a Merry Christmas, Happy New Year, Happy Hanukkah.

COUNCILWOMAN ZINCK

Ditto!

COUNCILMAN MULLIGAN

Congratulations on your election, great job.

COUNCILMAN MOORE

How long ago was that now?

SUPERVISOR YUDELSON

My election?

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COUNCILWOMAN ZINCK
No, Jack.

COUNCILWOMAN McCABE
No, Jack.

COUNCILWOMAN ZINCK
That was Jack.

COUNCILMAN MOORE
We did that last month.

SUPERVISOR YUDELSON
Okay, is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 9:38 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk