

**HENRIETTA TOWN BOARD  
AGENDA  
DECEMBER 03, 2014  
7:00 P.M.**

Supervisor Moore  
Councilman Mulligan  
Councilwoman Zinck  
Councilman Page  
Councilman Breese

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):  
November 19, 2014  
On Motion of: Councilwoman Zinck    Seconded by: Councilman Page
6. Miscellaneous Communications
7. Public Hearings:
  - Local Law No. 4 of 2014 – A Local Law Amending the Town Code to Allow New York State Town Law §278 Cluster Subdivisions to be Permitted in RR Districts
  - Property Cleanup -3236 East Henrietta Road
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 #22-266/2014  
Authorize Accounts Payable

RESOLUTION #22-267/2014  
Authorize Supervisor to Sign Abandonment of Easement – 1200 Miracle Mile Drive

RESOLUTION #22-268/2014  
Authorize Request for Special Use Permit Extension – Application No. 2014-051 (Previously Application No. 2012-024), East River Road, Jayne's Riverview, LLC (Graywood Commons), to allow 84 Duplexes Lots

RESOLUTION #22-269/2014  
Authorize Request for Special Use Permit Extension – Application No. 2014-052 (Previously Application No. 2012-025), East River Road, Jayne's Riverview, LLC (Graywood Commons), to allow 96 Townhomes

RESOLUTION #22-270/2014

Authorize Request for Special Use Permit Extension – Application No. 2014-053 (Previously Application No. 2012-026), East River Road, Jayne's Riverview, LLC (Graywood Commons), to allow 144 Apartments

RESOLUTION #22-271/2014

Declare Items Surplus Materials – Highway Department

RESOLUTION #22-272/2014

Adopt Official Undertaking of Receiver of Taxes and Assessments

RESOLUTION #22-273/2014

Authorize Agricultural Lease Renewal – Mark Greene, Property on Calkins Road

RESOLUTION #22-274/2014

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 3<sup>rd</sup> DAY OF DECEMBER 2014 AT 7:00 P.M.

**MEMBERS PRESENT**

Supervisor Jack W. Moore  
Councilman William J. Mulligan, Jr.  
Councilwoman Janet B. Zinck  
Councilman M. Rick Page  
Councilman Kenneth Breese  
Daniel J. Mastrella, Town Attorney  
Rebecca B. Wiesner, Town Clerk / Receiver of Taxes

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

SUPERVISOR MOORE

Could I please have the approval of the Minutes of November 19<sup>th</sup>?

COUNCILWOMAN ZINCK

Mr. Supervisor, I'd like to move approval of the Minutes of the November 19, 2014 Meeting.

COUNCILMAN PAGE

Second.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

SUPERVISOR MOORE

We have two (2) Public Hearings tonight. The first (1<sup>st</sup>) one will be on Local Law No. 4 of 2014, it's a Local Law Amending the Town Code to allow New York State Town Law §278 Cluster Subdivisions to be permitted in a Rural Residential District. Our Deputy

Supervisor, if you could explain what that entails please.

PETER MINOTTI, DEPUTY TOWN SUPERVISOR / PLANNING BOARD CHAIRMAN

Mr. Supervisor, members of the Board, good evening and for the record, Peter Minotti, Deputy Town Supervisor and Planning Board Chairman. It was during my review of the Trail View Subdivision, which is going to be located on Ward Hill Road, on the south side directly across from Heritage Hills Subdivision and Branch Brook Drive, that I discovered that in the Code that applying New York State Town Law §278 Zoning to the existing Rural Residential Zoning, is not permissible, I would humbly submit. I would offer under Code section 295-59B, if the Supervisor would indulge me, it states that, "The Planning Board shall have the powers and duties prescribed by the applicable provisions of the Town Law, including the powers set forth in §278 of the Town Law," but at the bottom of the same paragraph it says, "The powers delegated to the Planning Board herein shall apply to all Districts Zoned R-1 and R-2," and I would note the absence of any mention of the Rural Residential Districts, both one (1) and two (2). When I mentioned this to the Supervisor, he asked me to contact the Planning Board Attorney; I did that. Mr. Walker at first was somewhat skeptical, but he advised me he would take it under consideration, he contacted our Town Attorney and I think Mr. Mastrella, he did later meet with you.

DANIEL MASTRELLA, TOWN ATTORNEY

Correct.

PETER MINOTTI, DEPUTY TOWN SUPERVISOR / PLANNING BOARD CHAIRMAN

And while, with all due respect, you may have a difference of opinion with the Planning Board Attorney, he has asked us to amend this existing Town Law to simply include R-1, R-2 and all Rural Residential one (RR-1) and Rural Residential two (RR-2) Zoning, so that is just a brief overview, Mr. Supervisor...

SUPERVISOR MOORE

Okay. Thank you.

PETER MINOTTI, DEPUTY TOWN SUPERVISOR / PLANNING BOARD CHAIRMAN

...of how we got to where we are this evening.

SUPERVISOR MOORE

Did you want to add anything, Dan?

DANIEL MASTRELLA, TOWN ATTORNEY

No, I think that Mr. Minotti explained it pretty well.

TB December 3, 2014

SUPERVISOR MOORE

Thank you. I have one (1) person that signed up to speak on this. Mr. Moffitt, if you'd like to come to the microphone.

PETER MINOTTI, DEPUTY TOWN SUPERVISOR / PLANNING BOARD CHAIRMAN

Mr. Supervisor, if I may, at the podium, Mr. Moffitt come on up, at the podium I have included the original Resolution of the Town Law from July of 2005, and I have also included the actual Law itself, that Mr. Mastrella filed with Department of State.

CRAIG MOFFITT, 81 FINNEGAN WAY

Thank you.

PETER MINOTTI, DEPUTY TOWN SUPERVISOR / PLANNING BOARD CHAIRMAN

So any resident that is interested, we have all the documentation for you.

SUPERVISOR MOORE

Okay, thank you.

PETER MINOTTI, DEPUTY TOWN SUPERVISOR / PLANNING BOARD CHAIRMAN

You're welcome.

CRAIG MOFFITT, 81 FINNEGAN WAY

How's everybody doing tonight?

SUPERVISOR MOORE

Good. We need...

COUNCILWOMAN ZINCK

Good.

SUPERVISOR MOORE

...your name and address please.

CRAIG MOFFITT, 81 FINNEGAN WAY

Craig Robert Moffitt, 81 Finnegan Way, 14467. You should have that memorized by now, right Rebecca?

REBECCA WIESNER, TOWN CLERK / RECEIVER OF TAXES

Yes.

CRAIG MOFFITT, 81 FINNEGAN WAY

Well, thank you all for listening, Jack, can we ask questions?

SUPERVISOR MOORE

Yes.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay.

SUPERVISOR MOORE

If I can answer them, I'd be glad to.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay.

SUPERVISOR MOORE

I actually, we asked you to come on in earlier and talk to Peter and I so we could clarify some things for you, but you declined.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay. So amending and including, how does that impact septic system versus sewers?

SUPERVISOR MOORE

Well, five (5) acres would mean you would have a septic system, if you have a five (5) acre lot, and two (2) acres would mean you would be on sewers, and when you look at a two (2) acre lot, in a cluster zoning you're going to build on, we'll say a ten to fifteen thousand square foot (10,000 – 15,000 sq. ft.) lot, so that all the buildings are going to be condensed on one (1) portion of the property. But if you were building fifty (50) homes, there would still be one hundred (100) acres total that would be kept in tack, so fifty (50) times whatever the ten thousand square foot (10,000 sq. ft.) lots would be on one (1) corner and the rest of the parcel would be open space that could be enjoyed by the community.

CRAIG MOFFITT, 81 FINNEGAN WAY

How does the developer, he/she has a choice now, pending, in those areas that you're going to amend, if there's a sewer line there already, then they're going to use the sewer. But now they have a choice to use septic or sewer, is that correct, or am I way off?

SUPERVISOR MOORE

They've always had that choice, it would just be, would it be cost prohibitive for the developer to bring in the sewer? So without sewer it has to be a five (5) acre lot, unless they go to a cluster, but in most cases, the County Health Department is going to weigh in and they're going to have a say in what size lots are, depending on the perc test.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay. And then you probably know where I'm going with this, over at Goodburlet Road and East Henrietta Road. Would that particular development...?

SUPERVISOR MOORE

You're on the wrong side of the Thruway. Rural Residential Zoning is only on the south side of the Thruway.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay.

SUPERVISOR MOORE

So anything north of the Thruway is just our regular type of lot size.

CRAIG MOFFITT, 81 FINNEGAN WAY

So with that potential project, if it does happen at Goodburlet Road and East Henrietta Road, in that area, if it's on the north side of the Thruway and you're going to cluster there, because the other project was shot down because it was too many apartments, people didn't want it there, now it's going to be seventy five (75) patio homes at a cost of somewhere in the mid two hundred and fifty thousand dollar (\$250,000.00) range, how does our RR cluster, nothing to do with that?

SUPERVISOR MOORE

No. §278 Cluster is one thing, and that allows a developer to build on smaller lots in a condensed format so that they don't have as much infrastructure cost, the road costs won't be as great, and the Town will have less cost in maintaining that going forward. But in exchange for being allowed to cluster those homes, they're going to have to maintain a certain amount of open space to offset what they were forgiven by being able to cluster.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay.

SUPERVISOR MOORE

It's nothing. §278 is nothing more than a trade off in which the developer has less cost for infrastructure but the community benefits from the additional open space that's going to be available to people.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay.

SUPERVISOR MOORE

It's really a, to me, a very good thing going forward, especially in our rural areas...

CRAIG MOFFITT, 81 FINNEGAN WAY

Right.

SUPERVISOR MOORE

...because now you won't build over one hundred (100) acres and put fifty (50) homes on it.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay.

SUPERVISOR MOORE

You will build on twenty or twenty five (20 – 25) of those acres and we'll see three quarters (3/4) or half (1/2) of that open space.

COUNCILWOMAN ZINCK

Yes, and in a lot of cases it could be a lot more attractive...

CRAIG MOFFITT, 81 FINNEGAN WAY

Right.

COUNCILWOMAN ZINCK

...with the RR.

SUPERVISOR MOORE

It's really what the Rural Residential was intended for, it's just that in 2005 when the Law was enacted, it didn't allow the Planning Board the authority to grant §278 clusters. The Town Board has had that authority in the past.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay.

SUPERVISOR MOORE

So the only thing we're changing is, we're handing off that authority to the Planning Board, by changing this Local Law. And we have Town Council here saying we didn't have to do it because he thought we covered it, but we had Planning Board Attorney saying, yes you do have to cover it, so we're just trying to cover our bases and do the right thing.

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CRAIG MOFFITT, 81 FINNEGAN WAY

Okay, and I'm glad. Thank you. I'm sorry I didn't take you up on your invitation, I did however try Monday night, I thought the Workshop was going to be right here, and then everybody disappeared, and I'm like, "Where'd they go?"

SUPERVISOR MOORE

Well, we made an announcement that the heating system here's a little difficult and we were going to do our business part of the Meeting back in the conference room, of which probably you didn't hear.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay. So, if I'm...

SUPERVISOR MOORE

But I'm sorry...

CRAIG MOFFITT, 81 FINNEGAN WAY

...going to shoot my big mouth off, I want to have the facts instead of just hunting and pecking and I...

SUPERVISOR MOORE

Well, that's why we kind of offered for you to come in, but you told me you thought we should make a house call instead.

CRAIG MOFFITT, 81 FINNEGAN WAY

Right. *(Laughter)*

COUNCILWOMAN ZINCK

Well, and I apologize because I noticed you were at our first Meeting (1<sup>st</sup>) and I noticed you were at our third (3<sup>rd</sup>) Meeting, but it was when I noticed you at our third (3<sup>rd</sup>) Meeting that I realized you didn't come in the middle.

SUPERVISOR MOORE

We didn't...

CRAIG MOFFITT, 81 FINNEGAN WAY

I didn't hear...

COUNCILWOMAN ZINCK

I missed, I, yes.

CRAIG MOFFITT, 81 FINNEGAN WAY  
Anyways...

SUPERVISOR MOORE  
Yes, but we had a chair saved for you in the conference room.

CRAIG MOFFITT, 81 FINNEGAN WAY  
Okay, so from now on with the Workshop, where are they?

SUPERVISOR MOORE  
Well, it depends. We have A.V. equipment here that we can utilize, so if we have a power point presentation from a developer, we will do it out here...

CRAIG MOFFITT, 81 FINNEGAN WAY  
Okay.

SUPERVISOR MOORE  
...but until there's more people that come to our Workshops than what we can accommodate in the conference room, we'll do it in the conference room.

CRAIG MOFFITT, 81 FINNEGAN WAY  
Okay.

COUNCILWOMAN ZINCK  
A safe bet is always to ask the Clerk's desk.

SUPERVISOR MOORE  
Yes, and I mean...

CRAIG MOFFITT, 81 FINNEGAN WAY  
Okay.

SUPERVISOR MOORE  
...every Meeting we have is open, so don't ever think that just because we move, you can't find where we are.

CRAIG MOFFITT, 81 FINNEGAN WAY  
Alright, so one (1) final point on the amendment with the Planning Board and with, and the changes that are going to be up, I did, I'm sure you're all aware of it, I know most of you were on the Town Board at the time while the comprehensive plan was being written...

SUPERVISOR MOORE

Well, no actually the 2011 update, some of us were here for, I don't think...

COUNCILMAN BREESE

Well, I wasn't.

COUNCILWOMAN ZINCK

You weren't.

SUPERVISOR MOORE

We weren't here for the 2002. Well, Bill was. Janet was.

COUNCILWOMAN ZINCK

I was.

PETER MINOTTI, DEPUTY TOWN SUPERVISOR / PLANNING BOARD CHAIRMAN

Bill and I were Chairmen.

SUPERVISOR MOORE

The rest of us weren't. And Peter was a big part of that along with John Schmitt out in the audience...

CRAIG MOFFITT, 81 FINNEGAN WAY

Well...

SUPERVISOR MOORE

...that helped enable a lot of this Rural Residential Zoning that we're enacting...

CRAIG MOFFITT, 81 FINNEGAN WAY

Right.

SUPERVISOR MOORE

...or working on. And this Rural Residential is the first (1<sup>st</sup>) time since 2005 that anybody has decided to develop under that legislation.

CRAIG MOFFITT, 81 FINNEGAN WAY

Okay. Well, I just wanted to make two (2) points from the information I was able to find off the Henrietta.org website. I have, I guess I have stuff from 2004 that's no longer appropriate, but it does say here that fifty-five percent (55%) of the people that responded to that comprehensive thumbnail plan that's not Law, okay, Comprehensive Plan is not a Law, it's just a thumbnail sketch for you guys, you can do whatever you want, but fifty-five percent (55%) are very concerned about agriculture and open

space, which I continually see disappearing more and more in Henrietta. It concerns me a little bit.

SUPERVISOR MOORE

Well, I can probably address that better than most here having, or still own some of the agricultural land left. First (1<sup>st</sup>) off where I think we're all very concerned with open space, that's why we went to the Rural Residential Zoning, and we work with our Comprehensive Plan every day when it comes to a development, that's part of the Bible that the Deputy Supervisor carries around, and we try to adhere to it, but anybody that owns land does have the right to develop it as long as they do it according to our zoning and local laws...

CRAIG MOFFITT, 81 FINNEGAN WAY

Of course, sure.

SUPERVISOR MOORE

...we're somewhat bound by that. We can't tell somebody, "No you can't develop it."

CRAIG MOFFITT, 81 FINNEGAN WAY

Right.

SUPERVISOR MOORE

Like the property you talk about at Goodburlet Road and East Henrietta Road, the Winslow sisters own that and it's part of their retirement, and there's thirty (30) acres there that nobody's developed forever, and I think we have a good project there that will probably work and I think the neighbors will actually be pretty happy with it. Of which, when we had our Meeting with the Town Board and developer on Monday night, any neighbors that were there I thought were very pleased with what they saw.

CRAIG MOFFITT, 81 FINNEGAN WAY

And I was here too and I was also, except of course it's out of my financial reach, but I'm more concerned about south of the Thruway...

SUPERVISOR MOORE

But again, Craig, we can't tell a developer, "You can't build homes in our Town that cost any more than two hundred thousand (\$200,000.00)..."

CRAIG MOFFITT, 81 FINNEGAN WAY

I understand.

SUPERVISOR MOORE

...it's an open market and they have to build something that they can afford to build...

COUNCILWOMAN ZINCK  
And that they think...

SUPERVISOR MOORE  
...so that they can...

COUNCILWOMAN ZINCK  
...someone will buy.

SUPERVISOR MOORE  
...sell and make money.

CRAIG MOFFITT, 81 FINNEGAN WAY  
Right. But, it's...

SUPERVISOR MOORE  
Well you, but you made reference to different...

CRAIG MOFFITT, 81 FINNEGAN WAY  
...disappearing. That's all, that's my point that Henrietta just...

COUNCILWOMAN ZINCK  
Can I just add one thing to, you just made mention to something from the survey and I think there was another important question asked. In the survey you said, what fifty five percent (55%) of the people were concerned about...

CRAIG MOFFITT, 81 FINNEGAN WAY  
That responded to the survey.

COUNCILWOMAN ZINCK  
...open space. There was also a very high statistic when asked, "Do you want the Town spending money to be able to acquire, to..."

COUNCILMAN MULLIGAN  
Development rights.

COUNCILWOMAN ZINCK  
...yes, for what?

COUNCILMAN MULLIGAN  
Development rights.

COUNCILWOMAN ZINCK

Development rights, things like that, and the answer was, "No."

CRAIG MOFFITT, 81 FINNEGAN WAY

Well sure.

COUNCILWOMAN ZINCK

So, I think yes there was concern as there is from us...

SUPERVISOR MOORE

Well actually...

COUNCILWOMAN ZINCK

...but we also got a strong message, but don't spend any money on it.

SUPERVISOR MOORE

Actually, I think in 2005 when this Rural Residential was enacted, being a landowner, I would tell you they took a lot of money out of landowner's pockets for future development, but they did the community a great favor because very little land's been developed south of the Thruway because of the Legislation they put in, and it's working, and I'm actually proud of it today, even though it cost a lot of landowners money.

CRAIG MOFFITT, 81 FINNEGAN WAY

Well, I understand your positions and I just wanted to voice, just maybe a gentle reminder that it's disappearing in Henrietta quickly. I'm not a financial expert, I don't see where the Town is in any financial hardship to need more of a tax base, and I'll leave it at that and I thank you very much for listening to me, and have a great night.

COUNCILMAN PAGE

Thank you.

SUPERVISOR MOORE

Thank you. The next Public Hearing we have is for a property cleanup at 3236 East Henrietta Road, and if Mr. Ekwel would come up and explain what we're trying to do.

TERRY EKWELL, FIRE MARSHAL / BUILDING INSPECTOR

Terry Ekwel, Director of Building and Fire Prevention, Town of Henrietta. We've had a property at 3236 East Henrietta Road that has an unoccupied barn that's been in a state of deterioration for a number of years as is there another number of barns and storage buildings of this type around Town that are in the same situation that we are now aggressively going after to bring them down. The big concern is it's an unsafe

structure and it's unsafe according to the Property Maintenance Code of State of New York, Chapter 1, Subsection 107.1.1, which says, "An unsafe structure that is found to be dangerous to the life, health, property or safety of the public by not providing minimum safeguards to protect or warn occupants in the event of a fire, or because the structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible." This is what's going on with the barn. It's, like I said, been deteriorating for a number of years. It's been getting progressively worse from the road and from the property to the south, which is the Good Shepherd Church property, we could see large openings in both the roof, the exterior side walls, and with a barn type construction, it's only a matter of time that once you take the strength out of the roof, then you lose the strength of the exterior four (4) corners of the walls and then the building will collapse. The problem is when it collapses and what direction. The wind could blow it over, that could happen. We have other barns on Middle Road and over on John Street that are in similar conditions that we are actively going after, so I brought it to the Board's attention that we should look to have an action taken on this property, and a letter was sent to the property owner November 13<sup>th</sup> asking them to come here tonight and explain what, if anything they can do to work an action plan together to take care of this structure at this point in time.

SUPERVISOR MOORE  
Okay, thank you.

COUNCILWOMAN ZINCK  
Thanks.

SUPERVISOR MOORE  
Would the property owner please come to the podium.

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD  
Good evening.

COUNCILMAN PAGE  
Good evening.

SUPERVISOR MOORE  
Just state your name and address for the record please.

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD  
Don Marlowe, 3236 East Henrietta Road, Henrietta 14467.

SUPERVISOR MOORE

And...

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD

And Helene Marlowe.

SUPERVISOR MOORE

...we talked yesterday and...

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD

Right.

SUPERVISOR MOORE

...you were going to come back with a plan, so if you could help the Board understand what you'd like to do.

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD

Okay. Well, we've known the barn needed repair, it's just a matter of two (2) things; finances and finding somebody that could tell us what needed to be done, whether it was beyond repair or not. We did have one contractor that did some work on our house this summer and he said that it could be fixed, so we've been trying to investigate our options and when we got the summons I decided we'd better step it up a notch. I hired Sickles Corporation, who's done work on my property before, and done work in Henrietta; he says most of you people should probably know him, Jim Sickles, to come and look at the barn and determine whether it's fixable or it should be torn down. And if it's fixable he would do the work, and if it's not, then we would progress from there.

COUNCILMAN PAGE

How much time do you think this would take you to make a determination?

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD

Probably not more than a couple of months, I know he's still got some houses he's finishing up, so that's what he told me.

SUPERVISOR MOORE

When your wife and I talked, probably about six (6) months maybe would work a little better for you?

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD

Yes...

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD  
Oh, that would be more than enough, I would think.

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD  
...I think so.

SUPERVISOR MOORE

I think that if you could get with Mr. Ekwel and talk to him a little bit about it and figure out how we could maybe address that and I also said that if you get to a point where you don't think that maybe you could financially do it, that potentially there might be somebody that we could find to repurpose that barn someplace else for you, and that I would be glad to help you with that because the Amish and the Mennonite community a lot of times will take a barn like that and take it down and reconstruct it someplace and continue to use it.

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD  
Right.

SUPERVISOR MOORE

And I'd be glad to help you with that.

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD  
Okay, thank you.

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD

There's a lot of excellent lumber in there and huge beams, and they seem to be structurally okay, for the most part, so...

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD  
Oh yes.

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD  
...I'm sure somebody could get use out of it.

SUPERVISOR MOORE

It's just a safety issue that the neighbors felt needed to be addressed, and this is the medium in which we address that, and we're only looking to have a partnership where we can fix things.

COUNCILWOMAN ZINCK

So when will Mr. Sickles be coming to actually look at it, though?

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DONALD MARLOWE, 3236 EAST HENRIETTA ROAD

He said sometime in the next couple of weeks. I actually took pictures to show him, but he didn't get a chance to look at them yet, but he's closing out a house in Brighton right now, and he's still very busy but he knows it a "time of the essence" thing, so he said he'd get to it.

COUNCILMAN MULLIGAN

Repairing barns is very expensive.

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD

Yes, I'm sure it is.

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD

Yes.

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD

He just renovated an entire barn out in Avon for the Howletts, I don't know if you know who they are, but so he's pretty familiar with everything that's needed so if he says it's going to be too expensive, or if it's not worth it, then we'll...

COUNCILMAN MULLIGAN

Thank you.

COUNCILWOMAN ZINCK

Go to plan b.

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD

Yes.

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD

We actually were not aware of the roof until this spring when we had a really bad wind storm because the roof that's bad doesn't face our house and one of our neighbors told us about it and was nice about it and he said, "I was picking up pieces," and he showed me and I couldn't believe it. So we were not aware it was that bad until then.

SUPERVISOR MOORE

Well we appreciate you coming in. If you'll get with Mr. Ekwel and figure out a plan of action that will work for both of you, we'll close this Public Hearing and move on.

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD

Okay. Thank you.

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD  
Okay. Thank you.

HELENE MARLOWE, 3236 EAST HENRIETTA ROAD  
Thank you very much.

DONALD MARLOWE, 3236 EAST HENRIETTA ROAD  
Thanks for your time.

COUNCILWOMAN ZINCK  
Thank you.

SUPERVISOR MOORE  
Yes. I wanted to go ahead too and close the Public Hearing of Local Law No. 4 of 2014 because I didn't do that. If we could move on and have the first Resolution please.

RESOLUTION #22-266/2014

On Motion of  
Councilman Page

Seconded by  
Councilman Breese

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

Exhibit A	Bills Payable dated 12/03/2014	\$1,288,697.79
Exhibit B	Manual Bills Payable dated 11/25/2014	\$2,000.00

SUPERVISOR MOORE  
Discussion? Please call the roll.

Duly put to a vote:  
Councilman Mulligan            voting    Aye  
Councilwoman Zinck            voting    Aye  
Councilman Page                voting    Aye  
Councilman Breese               voting    Aye  
Supervisor Moore                voting    Aye  
Carried

RESOLUTION #22-267/2014

On Motion of  
Councilman Breese

Seconded by  
Councilwoman Zinck

WHEREAS, the building lot at 1200 Miracle Mile Drive has been developed, and  
WHEREAS, the sanitary sewer easement goes through the building at 1200  
Miracle Mile Drive, and

WHEREAS, the existing easement is no longer needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have  
reviewed the Abandonment of Easement and recommended that the Town of Henrietta  
consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be  
hereby authorized to execute the Abandonment of Easement which shall be filed in the  
Monroe County Clerk's Office.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #22-268/2014

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Page

WHEREAS, the Henrietta Town Board previously approved Special Use Permit  
No. 2012-024 on May 16, 2012 for Jaynes Riverview, LLC to allow 84 duplexes on East  
River Road as a residential project to be known as Graywood Commons, and

WHEREAS, the Town converted Special Use Permit No. 2012-024 to Special  
Permit No. 2014-051, and

WHEREAS, the Applicant has been delayed in proceeding with the Project, but is  
now in a position to proceed to obtain necessary approvals from other Boards and has  
requested an extension of the aforesaid approvals, and

WHEREAS, the Henrietta Town Board finds that the Project remains substantially  
the same as approved, and that cause exists for such extension, and

WHEREAS, the Director of Engineering & Planning has indicated that more than an additional six (6) months is required to obtain the necessary approvals and building permits, and

WHEREAS, the Town Board is authorized to grant extensions of time limits for periods of six (6) months.

THEREFORE, BE IT RESOLVED, that the Special Use Permit No. 2014-051 be extended for a period of six (6) months to expire on June 3, 2015.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #22-269/2014

On Motion of  
Councilman Page

Seconded by  
Councilman Mulligan

WHEREAS, the Henrietta Town Board previously approved Special Use Permit No. 2012-025 on May 16, 2012 for Jaynes Riverview, LLC to allow 96 townhomes on East River Road as a residential project to be known as Graywood Commons, and

WHEREAS, the Town converted Special Use Permit No. 2012-025 to Special Permit No. 2014-052, and

WHEREAS, the Applicant has been delayed in proceeding with the Project, but is now in a position to proceed to obtain necessary approvals from other Boards and has requested an extension of the aforesaid approvals, and

WHEREAS, the Henrietta Town Board finds that the Project remains substantially the same as approved, and that cause exists for such extension, and

WHEREAS, the Director of Engineering & Planning has indicated that more than an additional six (6) months is required to obtain the necessary approvals and building permits, and

WHEREAS, the Town Board is authorized to grant extensions of time limits for periods of six (6) months.

THEREFORE, BE IT RESOLVED, that the Special Use Permit No. 2014-052 be extended for a period of six (6) months to expire on June 3, 2015.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #22-270/2014

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

WHEREAS, the Henrietta Town Board previously approved Special Use Permit No. 2012-026 on May 16, 2012 for Jaynes Riverview, LLC to allow 144 apartments on East River Road as a residential project to be known as Graywood Commons, and

WHEREAS, the Town converted Special Use Permit No. 2012-026 to Special Permit No. 2014-053, and

WHEREAS, the Applicant has been delayed in proceeding with the Project, but is now in a position to proceed to obtain necessary approvals from other Boards and has requested an extension of the aforesaid approvals, and

WHEREAS, the Henrietta Town Board finds that the Project remains substantially the same as approved, and that cause exists for such extension, and

WHEREAS, the Director of Engineering & Planning has indicated that more than an additional six (6) months is required to obtain the necessary approvals and building permits, and

WHEREAS, the Town Board is authorized to grant extensions of time limits for periods of six (6) months.

THEREFORE, BE IT RESOLVED, that the Special Use Permit No. 2014-053 be extended for a period of six (6) months to expire on June 3, 2015.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #22-271/2014

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Page

WHEREAS, the 2014 Capital Project Fund provided funds for the purchase of one (1) new Wheel Loader to replace equipment # 115 on November 5, 2014 through Resolution No #20-250/2014, and

WHEREAS, a piece of equipment was purchased under the New York State Procurement Policy and is scheduled to be delivered in January 2015.

THEREFORE, BE IT RESOLVED, that the existing equipment, ID # 115 be consigned to the Teitsworth Auction on December 6, 2014 and be removed from the Highway Department's Inventory.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #22-272/2014

On Motion of  
Councilman Breese

Seconded by  
Councilwoman Zinck

BE IT RESOLVED, that the Town Board adopts the attached official Undertaking of Receiver of Taxes and Assessments Resolution in the amount of \$100,000 and directs that it be filed in the Office of the Town Clerk.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #22-273/2014

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Page

WHEREAS, the Town of Henrietta acquired the Development Rights and Fee Title to property on Calkins Road in the Town of Henrietta formerly known as the Aldridge Farm, and

WHEREAS, the Town Board of the Town of Henrietta desires to continue to keep the land in use as farm land, and

WHEREAS, Mark Greene, 3170 Clover Street, Pittsford, New York 14534, has previously farmed the land and desires to continue to plant crops on the land and to renew the Lease Agreement with the Town for a period of one (1) year, from December 1, 2014 through November 30, 2015, for thirty (30) acres of tillable land at \$45.00 per acre, amounting to an annual rental of \$1,350.00, and

WHEREAS, the Town Attorney has reviewed the Lease renewal and found it to be in proper form.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Lease renewal on behalf of the Town of Henrietta, as per the attached.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried



SUPERVISOR MOORE

No, the only correspondence, and it's been verbal, was with our County Legislator John Howland, and I gave him a copy of your report and also a copy of the report the Captain of the B Zone had given me.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

Okay, and I saw...

SUPERVISOR MOORE

I was trying to get him to have some buy in and see if he could carry it through the County for you.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

And I'd still like him to get him to have some buy in because again, I'm in firm belief that if we inspect the speeds coming down there it will affect what people are doing. That report that you're discussing showed in a one (1) week period, twenty-four (24) hours a day, there were three hundred (300), thirty thousand (30,000) cars coming down that hill just strictly west bound. Twenty thousand (20,000) of them were going over the speed limit. That's a case where the fact that every thirty (30) seconds somebody is breaking the law coming down that hill.

SUPERVISOR MOORE

Are you referring to the Captain's report?

DAVID CHRISTENSEN, 1456 CALKINS ROAD

Yes.

SUPERVISOR MOORE

But, I believe, and I don't know the percentage because I don't remember that, but most of them were less than five (5) miles over the speed limit, which they don't write tickets for.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

That, there was, that exactly. And in fact if you take that, if everybody over five (5) miles an hour over the speed limit, you still would have tickets written in a one (1) week period totaling about half a million dollars (\$500,000.00). I subtracted the five (5) out, Jack, so the fact, yes I know they don't write at five (5), I even worked with ideas of ten (10). That doesn't preclude, there's still a safety hazard down there because there are also five (5) people, three (3) I believe going forty-one (41) miles an hour over the speed limit. Those are ticket writing periods on the expressway or the Thruway. What I'm asking here, has the Town considered my request to do a letter to the Sheriff's Department to enhance the traffic enforcement there? If not, any

guidance from the Town Board would be appreciated. I've done this for many years, I've relied on people doing what they said, they haven't previously enforced things, this time I'm not letting go. I'm going to keep going.

SUPERVISOR MOORE

And that's why I went ahead and contacted John Howland and he has been very receptive and I'm waiting for him to see what he can do with the Sheriff.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

Okay. Would it be appropriate for me to contact him also?

SUPERVISOR MOORE

Oh, sure. That'd be great.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

Okay, I will do that. I'm looking again for the support, thank you for contacting Howland, I still would like to keep Captain Wagner in this situation, but understand I'm going to keep continuing this now, I'm not going to drop it as I have over the last few years because it's just getting worse. I will tell you on Monday at two fifteen (2:15 P.M.), while stopping to get my mail, the lady hit the cones. They were painting the center lines, she hit a cone, she trapped it underneath her PT Cruiser, she parked one (1) foot in the road, two hundred feet (200') from the crest of that hill, and then crawled under her car on the driver's side trying to get it out. Her legs were laying in the road. I'm running up, I'm waving cars off that are coming over the hill, and I've got her license number and make and model if you want it, you can call her and, look it up and call her and ask her. She was laying in the road. There's no cure for stupid, but in this case it would have taken just one (1) car two (2) seconds to come over the hill and take her legs off.

SUPERVISOR MOORE

Wow.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

So, again I'm serious. I'll get ahold of Howland. Is there any other suggestions that you can make for me going forward to try and make Henrietta a safer place?

SUPERVISOR MOORE

Well the Captain will be back in this Friday and I'll reaffirm with him what you and I talked about.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

Would you like to have a joint meeting?

TB December 3, 2014

SUPERVISOR MOORE

I could set one up if you want.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

I'll swing by.

SUPERVISOR MOORE

Well, call...

DAVID CHRISTENSEN, 1456 CALKINS ROAD

Let me know when.

SUPERVISOR MOORE

...call my Administrative Assistant so that we make sure it gets coordinated.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

She has been wonderful, by the way, and I'd like that on Record. Thank you so much for your time, the opportunity, and I wish you all well.

COUNCILMAN PAGE

Thank you, Dave.

SUPERVISOR MOORE

Could I have a Resolution to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Mulligan at 7:37 P.M. and was adjourned without objection.

Respectfully submitted,



Jennifer L. Miranda  
Deputy Town Clerk

# **PUBLIC HEARING**

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 19<sup>th</sup> DAY OF NOVEMBER 2014 AT 7:00 P.M.

RESOLUTION #21-260/2014

On Motion of  
Councilman Page

Seconded by  
Councilman Mulligan

## **IN THE MATTER OF THE ADOPTION OF PROPOSED LOCAL LAW NO. 4 OF 2014:**

### **A LOCAL LAW AMENDING THE TOWN CODE TO ALLOW NEW YORK STATE TOWN LAW § 278 CLUSTER SUBDIVISIONS TO BE PERMITTED IN RR DISTRICTS**

WHEREAS, true and correct copies of proposed Local Law No. 4 of 2014, A Local Law Amending the Town Code to allow New York State Town Law § 278 Cluster Subdivisions to be permitted in RR Districts, were delivered to each member of the Town Board, and

WHEREAS, due consideration has been given to the adoption of proposed Local Law No. 4 of 2014 by all members of the Town Board, and

WHEREAS, it was the considered opinion of the Town Board that a Public Hearing should be held on the 3<sup>rd</sup> day of December, 2014, at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, to consider the adoption of the proposed Local Law No. 4 of 2014.

THEREFORE, BE IT RESOLVED, that a Public Hearing shall be held on the 3<sup>rd</sup> day of December, 2014 at 7:00 p.m., at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, on the question of the adoption of proposed Local Law No. 4 of 2014, a Local Law Amending the Town Code to allow New York State Town Law § 278 Cluster Subdivisions to be permitted in RR Districts, and a summary thereof be published in a newspaper previously designated as an official newspaper for publication of Public Notices, not less than five (5) days prior to said Hearing.

BE IT FURTHER RESOLVED, that the Town Clerk shall post Certified Copies of both this Resolution and said proposed Local Law No. 4 of 2014, or a summary thereof, on the bulletin board maintained by the Town Clerk, pursuant to Section 30(6) of the Town Law.

Duly put to a vote:

Councilman Mulligan

voting Aye

Councilwoman Zinck

voting Aye

Councilman Page

voting Aye

Councilman Breese

voting Aye

Supervisor Moore

voting Aye

Carried

21-260

**LOCAL LAW NO. 4 OF 2014**

**A LOCAL LAW AMENDING THE TOWN CODE TO  
ALLOW NEW YORK STATE TOWN LAW § 278 CLUSTER  
SUBDIVISIONS TO BE PERMITTED IN RR DISTRICTS**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HENRIETTA, as follows:

Henrietta Town Code § 295-59 (B) shall be amended to allow New York State Town Law § 278 Cluster Subdivisions to be permitted in districts zoned RR in addition to the previously authorized districts zoned R-1 and R-2.



**TOWN OF HENRIETTA**

County of Monroe ◦ State of New York  
475 Calkins Road, P.O. Box 999, Henrietta, N.Y. 14467  
(585) 334-7700 ◦ www.henrietta.org

JACK W. MOORE  
Supervisor

WILLIAM J. MULLIGAN, JR.  
JANET B. ZINCK  
M. RICK PAGE  
KENNETH BREESE  
Council Members

Donald Marlowe  
3236 East Henrietta Road  
Henrietta, NY 14467

November 13, 2014

To the owner, occupant or person having charge of the land within the Town of Henrietta briefly described as follows: 3036 East Henrietta Road, Henrietta, NY 14467. Notice hereby given that certain violations of the Property Maintenance Code of New York State (PMC NY) currently exists at the aforementioned property, namely:

1) **Section 107, Unsafe Structures and Equipment; Unoccupied Barn**

**Sub- section 107.1 – Unsafe Structures - An unsafe structure that is found to be dangerous to life, health, property or safety of the public by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.**

Deterioration of the structure has been occurring and the structure is at a point where it needs to be demolished. There is extreme damage to the exterior walls and the roof that is showing signs of significant disrepair and will eventually collapse of the roof, which will lead to stress of the four exterior load bearing walls, which given time will also collapse. As the building is approximately 30-35 feet from the neighboring property to the South, Good Shepherd Church, it is a cause of concern for public safety. As the building is beyond repair, it is the opinion of this Office that it constitutes a public nuisance and a public safety issue in the Town of Henrietta and should be demolished.

You are hereby summoned to appear before the Town Board of Henrietta, 475 Calkins Road, Henrietta, New York, at 7:00pm, on the 3<sup>rd</sup> day of December 2014, at which time a hearing will be held to determine whether the conditions on the property constitute a public nuisance and/ or a public safety issue and why the Town of Henrietta, New York, acting through its duly authorized agents, servants, officers and employees, should not enter upon said property and perform said work. In the event that the Town Board directs that said work be performed the expense incurred by the Town of Henrietta



**TOWN OF HENRIETTA**

County of Monroe ◦ State of New York  
475 Calkins Road, P.O. Box 999, Henrietta, N.Y. 14467  
(585) 334-7700 ◦ [www.henrietta.org](http://www.henrietta.org)

**JACK W. MOORE**  
Supervisor

**WILLIAM J. MULLIGAN, JR.**  
**JANET B. ZINCK**  
**M. RICK PAGE**  
**KENNETH BREESE**  
Council Members

shall be assessed against said property and shall constitute a lien thereon and shall be collected in the manner provided by law.

Dated:     November 13, 2014    

Terry L. Ekwel  
Director of Building & Fire Prevention

# TOWN OF HENRIETTA

## Vendor Activity Report

**Vendor Code:** 0000012538  
**1099 Option:** Don't print a 1099

**DRIVEN HR**  
**Fed ID/SS:**

**VOUCHERS**

Invoice No.	Inv Date	Voucher No.	Check No	ID	Due/Paid	Status	Description	Amount
201411-7	11/25/2014	723596	69733	00001	11/25/2014	P	HR PROJECT DEPOSIT-PER ENGAGEMENT AGREEMENT	2,000.00
<b>Total Vouchers for Vendor:</b>							1	<b>2,000.00</b>
<b>Total YTD Paid for Vendor:</b>								<b>2,000.00</b>
<b>Grand Total Voucher:</b>								<b>2,000.00</b>
<b>Grand Total YTD Paid for Vendor:</b>								<b>2,000.00</b>

22-2660

22-267

ABANDONMENT OF EASEMENT

THIS INDENTURE, made the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between THE TOWN OF HENRIETTA, a municipal corporation organized under the laws of the State of New York , with offices located at 475 Calkins Road, Henrietta, New York 14467, being the Party of the first part and The Marketplace, LLC, having offices at 1265 Scottsville Rd, Rochester NY 14624, being the Parties of the Second Part.

WHEREAS, that the Party of the First Part is the Grantee of the following Water Main easement; said easement recorded in Liber 6804 of Deeds, page 32 in the office of the Clerk of the County of Monroe, covering certain lands and tenements, of which the lands hereinafter described in part, and

WHEREAS, the Party of the First Part, at the request of the Parties of the Second Part, has agreed to give up and surrender all rights in the lands hereinafter described unto the Parties of the Second Part,

NOW THIS INDENTURE WITNESSETH, in consideration of One Dollar and 00/100 (\$1.00), lawful money of the United States, paid by the Parties of the Second Part, the Party of the First Part does grant, release and quitclaim unto the Parties of the Second Part, all interest on said lands described in Schedule "A", to have and to hold the lands and premises hereby released and quitclaimed to the Party of the Second Part, their heirs, successors and assigns.

IN WITNESS WHEREOF, the Party of the First Part has executed this release the day and year first written above.

TOWN OF HENRIETTA

By \_\_\_\_\_  
Jack W. Moore, Supervisor

STATE OF NEW YORK)  
COUNTY OF MONROE)

On the \_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individuals(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Tax Account No. 161.12-1-1.1/E  
Property Address: 1200 Miracle Mile Drive

SCHEDULE "A" ✓  
WATER MAIN EASEMENT ABANDONMENT

All that tract or parcel of land situated in Town Lot 5 of the Fourth Range of Lots, Township 12, Range 7 of the Phelps and Gorham Purchase in the Town of Henrietta, County of Monroe, State of New York and being more particularly described as follows:

This description intended to abandon 135.50 feet more or less along the centerline of water main Extension No. 8 of Easement No. 6 as described in Liber 6804 Page 32.

EXTENSION NO. 8 OF EASEMENT NO. 6

Beginning at a point, N 45° W, a distance of 156.83 feet from the end of Extension No. 6 of Easement No. 6; thence

1. S 45° W, a distance of 135.50 feet to the end of Extension No. 8.

Subject to all covenants, easements and restrictions of record, if any affecting said premises as recorded in the Monroe County Clerk's office

Being and hereby intending to describe a strip of land 20 feet wide along the centerline of an existing watermain.

# DDS

**1200 MILE ROAD**  
**WEST HENRIETTA, NY 14586**  
PHONE (585) 359-7540  
FAX (585) 359-7547

DATE: 11/15/13      JOB #: 13-1035

**SCALE 1" = 60'**  
**SANITARY SEWER**  
**EASEMENT**  
**ABANDONMENT**

SITE LOCATION:  
1200 MIRACLE MILE DRIVE  
LEASE PARCEL E  
TAX ACC No. 161.12-1-1.1/E

TOWN OF HENRIETTA  
COUNTY OF MONROE  
STATE OF NEW YORK

1200 MIRACLE MILE DRIVE  
N/F HYLAN ENTERPRISES INC  
T.A. 161.12-1-1.1/E

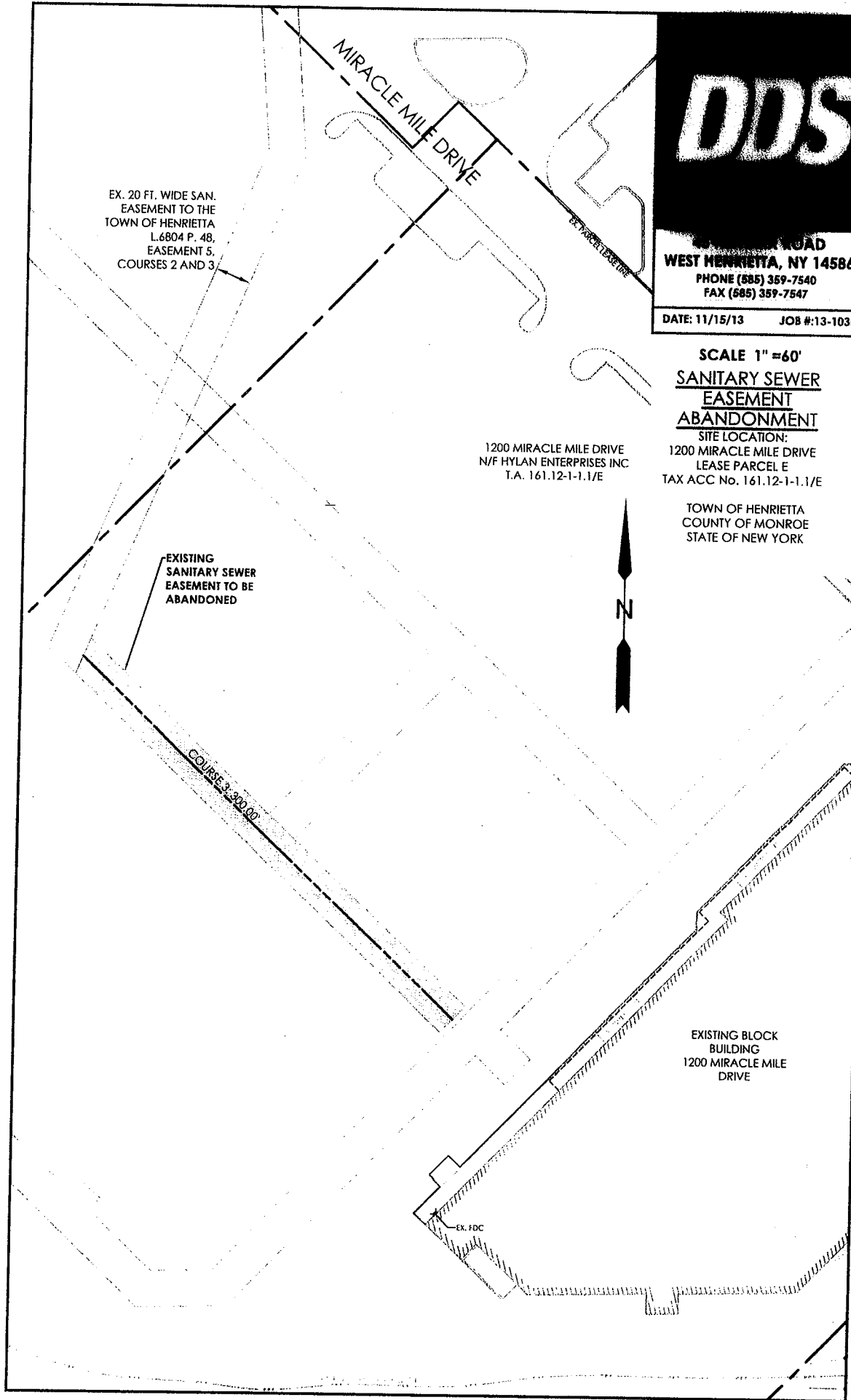
EX. 20 FT. WIDE SAN.  
EASEMENT TO THE  
TOWN OF HENRIETTA  
L.6804 P. 48,  
EASEMENT S,  
COURSES 2 AND 3

EXISTING  
SANITARY SEWER  
EASEMENT TO BE  
ABANDONED

COURSE 3-200.00

EXISTING BLOCK  
BUILDING  
1200 MIRACLE MILE  
DRIVE

EX. FDC



November 24, 2014

Town Board  
Town of Henrietta  
475 Calkins Rd.  
PO Box 999  
Henrietta, NY 14467-0999

Attn: Jack Moore, Supervisor

**Re: The Summit**

**2400R**

Dear Town Board Members:

On behalf of Richland Residential, we are pleased to submit a Conceptual Site plan rendering for The Summit, an exciting, unique new student housing project.

The proposed project will be located on the west side of East River Road, just south of Fairwood Drive, and existing R.I.T. graduate housing and Rivers Run senior housing projects. The parcel is located on the northern 58 acres of the former Kodak office parcel.

The project will provide housing for approximately 780 students in 185 cottage-style houses. The housing units will have full kitchens, in-unit washer/dryer appliances, and individual patios. Community amenities will include a 6,500 sq. ft. community clubhouse with computer/business space, swimming pool, jacuzzi and fitness center. Picnic areas and a riverfront gathering area adjacent to the Genesee River in the northwest corner of the site will be developed for the residents. A bus shuttle service to the R.I.T. campus will also be provided.

The developer, Richland Residential, is a leading owner/operator and developer of distinctive real estate properties. Richland has over 30 years of experience in multi-family and student housing projects, mostly in the northeast of Ohio. They have successfully built and managed over 3,000 conventional units and housing for 2,000 students.

Richland will be submitting for a Special Use Permit from the Town Board in mid-December. Prior to that, we would like to meet with the Town Board at your December 1, 2014 workshop meeting, at which we will do a short PowerPoint presentation on the project, describing its merits and how potential community concerns will be addressed. Most importantly, we want to hear any concerns you have so that we can address any questions with the formal submittal.



**DETAILS**

1. GENERAL NOTES	2. LEGEND
3. MATERIALS	4. FINISHES
5. UTILITIES	6. EROSION CONTROL
7. LANDSCAPE	8. SIGNAGE
9. FURNITURE	10. LIGHTING
11. SECURITY	12. SAFETY
13. ACCESSIBILITY	14. OTHER

**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND STATE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND STATE AGENCIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND STATE AGENCIES.

<p>PROJECT: THE SUMMIT</p> <p>CLIENT: [Redacted]</p> <p>DATE: 2/20/20</p> <p>SCALE: 1" = 400'</p>	<p><b>THE SUMMIT</b></p> <p>CONCEPT SITE PLAN RENDER</p>	<p><b>BME ASSOCIATES</b></p> <p>ARCHITECTS • ENGINEERS • LANDSCAPE ARCHITECTS</p>	<p>2020</p>
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November 24, 2014

Town Board  
Town of Henrietta  
475 Calkins Rd.  
PO Box 999  
Henrietta, NY 14467-0999

Attn: Jack Moore, Supervisor

**Re: The Summit**

**2400R**

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The project will provide housing for approximately 780 students in 185 cottage-style houses. The housing units will have full kitchens, in-unit washer/dryer appliances, and individual patios. Community amenities will include a 6,500 sq. ft. community clubhouse with computer/business space, swimming pool, jacuzzi and fitness center. Picnic areas and a riverfront gathering area adjacent to the Genesee River in the northwest corner of the site will be developed for the residents. A bus shuttle service to the R.I.T. campus will also be provided.

The developer, Richland Residential, is a leading owner/operator and developer of distinctive real estate properties. Richland has over 30 years of experience in multi-family and student housing projects, mostly in the northeast of Ohio. They have successfully built and managed over 3,000 conventional units and housing for 2,000 students.

Richland will be submitting for a Special Use Permit from the Town Board in mid-December. Prior to that, we would like to meet with the Town Board at your December 1, 2014 workshop meeting, at which we will do a short PowerPoint presentation on the project, describing its merits and how potential community concerns will be addressed. Most importantly, we want to hear any concerns you have so that we can address any questions with the formal submittal.



**DETAILS**

1. GENERAL NOTES	2. LEGEND
3. MATERIALS	4. FINISHES
5. UTILITIES	6. EROSION CONTROL
7. LANDSCAPE	8. SIGNAGE
9. FURNITURE	10. LIGHTING
11. SECURITY	12. SAFETY
13. ACCESSIBILITY	14. OTHER

**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

<p>PROJECT: THE SUMMIT</p> <p>CLIENT: [REDACTED]</p> <p>DATE: 2/20/08</p> <p>SCALE: 1" = 400'</p>	<p><b>THE SUMMIT</b></p> <p>CONCEPT SITE PLAN RENDER</p>	<p><b>BME ASSOCIATES</b></p> <p>ARCHITECTS • ENGINEERS • LANDSCAPE ARCHITECTS</p>	<p>DATE: 2/20/08</p> <p>SCALE: 1" = 400'</p> <p>PROJECT: THE SUMMIT</p> <p>CLIENT: [REDACTED]</p>
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# BME ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

22-270

November 24, 2014

Town Board  
Town of Henrietta  
475 Calkins Rd.  
PO Box 999  
Henrietta, NY 14467-0999

Attn: Jack Moore, Supervisor

**Re: The Summit**

**2400R**

Dear Town Board Members:

On behalf of Richland Residential, we are pleased to submit a Conceptual Site plan rendering for The Summit, an exciting, unique new student housing project.

The proposed project will be located on the west side of East River Road, just south of Fairwood Drive, and existing R.I.T. graduate housing and Rivers Run senior housing projects. The parcel is located on the northern 58 acres of the former Kodak office parcel.

The project will provide housing for approximately 780 students in 185 cottage-style houses. The housing units will have full kitchens, in-unit washer/dryer appliances, and individual patios. Community amenities will include a 6,500 sq. ft. community clubhouse with computer/business space, swimming pool, jacuzzi and fitness center. Picnic areas and a riverfront gathering area adjacent to the Genesee River in the northwest corner of the site will be developed for the residents. A bus shuttle service to the R.I.T. campus will also be provided.

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**DETAILS**

1. GENERAL NOTES	1. SEE ALL NOTES ON ALL SHEETS
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.	2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
3. THE DESIGNER HAS CONDUCTED VISUAL AND PHOTOGRAPHIC SURVEYS OF THE SITE AND HAS OBSERVED THE SITE FROM THE AIR AND BY GROUND SURVEY.	3. THE DESIGNER HAS CONDUCTED VISUAL AND PHOTOGRAPHIC SURVEYS OF THE SITE AND HAS OBSERVED THE SITE FROM THE AIR AND BY GROUND SURVEY.
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9. THE DESIGNER HAS CONDUCTED VISUAL AND PHOTOGRAPHIC SURVEYS OF THE SITE AND HAS OBSERVED THE SITE FROM THE AIR AND BY GROUND SURVEY.	9. THE DESIGNER HAS CONDUCTED VISUAL AND PHOTOGRAPHIC SURVEYS OF THE SITE AND HAS OBSERVED THE SITE FROM THE AIR AND BY GROUND SURVEY.
10. THE DESIGNER HAS CONDUCTED VISUAL AND PHOTOGRAPHIC SURVEYS OF THE SITE AND HAS OBSERVED THE SITE FROM THE AIR AND BY GROUND SURVEY.	10. THE DESIGNER HAS CONDUCTED VISUAL AND PHOTOGRAPHIC SURVEYS OF THE SITE AND HAS OBSERVED THE SITE FROM THE AIR AND BY GROUND SURVEY.

**PLANT LIST**

Symbol	Plant Name
(Tree icon)	Plant Name
(Pond icon)	Pond #1
(House icon)	House
(Road icon)	Road
(Lawn icon)	Lawn
(Fence icon)	Fence
(Light icon)	Light
(Garage icon)	Garage
(Driveway icon)	Driveway
(Walkway icon)	Walkway
(Patio icon)	Patio
(Deck icon)	Deck
(Pool icon)	Pool
(Spa icon)	Spa
(Hot Tub icon)	Hot Tub
(Fire Pit icon)	Fire Pit
(BBQ icon)	BBQ
(Hoop House icon)	Hoop House
(Greenhouse icon)	Greenhouse
(Garden icon)	Garden
(Fruit Tree icon)	Fruit Tree
(Shrub icon)	Shrub
(Flower Bed icon)	Flower Bed
(Hedge icon)	Hedge
(Fence Post icon)	Fence Post
(Light Pole icon)	Light Pole
(Garage Post icon)	Garage Post
(Driveway Post icon)	Driveway Post
(Walkway Post icon)	Walkway Post
(Patio Post icon)	Patio Post
(Deck Post icon)	Deck Post
(Pool Post icon)	Pool Post
(Spa Post icon)	Spa Post
(Hot Tub Post icon)	Hot Tub Post
(Fire Pit Post icon)	Fire Pit Post
(BBQ Post icon)	BBQ Post
(Hoop House Post icon)	Hoop House Post
(Greenhouse Post icon)	Greenhouse Post
(Garden Post icon)	Garden Post
(Fruit Tree Post icon)	Fruit Tree Post
(Shrub Post icon)	Shrub Post
(Flower Bed Post icon)	Flower Bed Post
(Hedge Post icon)	Hedge Post
(Fence Post icon)	Fence Post
(Light Pole icon)	Light Pole
(Garage Post icon)	Garage Post
(Driveway Post icon)	Driveway Post
(Walkway Post icon)	Walkway Post
(Patio Post icon)	Patio Post
(Deck Post icon)	Deck Post
(Pool Post icon)	Pool Post
(Spa Post icon)	Spa Post
(Hot Tub Post icon)	Hot Tub Post
(Fire Pit Post icon)	Fire Pit Post
(BBQ Post icon)	BBQ Post
(Hoop House Post icon)	Hoop House Post
(Greenhouse Post icon)	Greenhouse Post
(Garden Post icon)	Garden Post
(Fruit Tree Post icon)	Fruit Tree Post
(Shrub Post icon)	Shrub Post
(Flower Bed Post icon)	Flower Bed Post
(Hedge Post icon)	Hedge Post

**PROJECT & GENERAL INFORMATION**

PROJECT: THE SUMMIT  
 CLIENT: [Name]  
 ADDRESS: [Address]  
 CITY: [City]  
 STATE: [State]  
 ZIP: [ZIP]

**BME ASSOCIATES**  
 ARCHITECTS • INTERIORS • LANDSCAPE ARCHITECTS

DATE: 2/20/08

SCALE: 1" = 100'

PROJECT NO: [Number]

DATE: [Date]

SCALE: [Scale]

PROJECT NO: [Number]

DATE: [Date]

SCALE: [Scale]

PROJECT NO: [Number]

DATE: [Date]

SCALE: [Scale]

22-272

**UNDERTAKING OF RECEIVER OF TAXES AND ASSESSMENTS**

KNOW BY ALL PERSONS BY THESE PRESENTS, that

WHEREAS, Rebecca B. Wiesner, residing in the Town of Henrietta, County of Monroe, State of New York, has been duly appointed to the Office of Receiver of Taxes and Assessments of the Town of Henrietta, New York, and

WHEREAS, under Section 25 of the Town Law, such Receiver of Taxes and Assessments is required to execute and file an official undertaking, and the amount of such undertaking having been fixed by the Town Board of the Town of Henrietta, in the manner provided for by Law in the sum of One Hundred Thousand Dollars (\$100,000), for the faithful performance of the duties of her office;

NOW, THEREFORE, I, Rebecca B. Wiesner, as Principal, and Christopher Williams Agency, Inc., as the agent of Selective Insurance, a corporation duly organized and existing under the laws of the State of New York, with office and principal place of business at 26 South Main Street, Pittsford, New York 14534, as surety, are held and firmly bound, together with our heirs, executors, administrators, successors and assigns, jointly and severally, unto the Town of Henrietta, New York, as obligee, in the sum of One Hundred Thousand Dollars (\$100,000), and do hereby jointly and severally undertake that the above-bounded Rebecca B. Wiesner, will faithfully perform the duties of her office of Receiver of Taxes and Assessments of the Town of Henrietta, and all trusts imposed upon her by virtue of her office, and that she will well and truly keep, pay over and account for all monies and property coming into her hands as such Receiver of Taxes and Assessments, including all school district taxes, and that if the said Rebecca B. Wiesner as Receiver of Taxes and Assessments of the Town of Henrietta fails to perform any of the above-mentioned conditions or is in default thereof, that the parties hereto will pay to the said Town of Henrietta, all damages, costs and expenses resulting from such default, not exceeding the sum specified above.

IN WITNESS WHEREOF, we have hereunder set our hand and seal, this 4<sup>th</sup> day of December, 2014.

---

Rebecca B. Wiesner, Principal

22-273

**LEASE OF AGRICULTURAL PROPERTY**

WHEREAS, the Town of Henrietta is the owner of Development Rights as well as the fee interest of agricultural property located on Calkins Road in the Town of Henrietta, New York, which property was previously vested in John C. and Carol T. Aldridge; and

WHEREAS, the Town of Henrietta is desirous that the land continue to be used for agricultural uses; and

WHEREAS, Mark Greene has previously farmed said land and desires to continue to farm said land consisting of approximately thirty (30) acres of tillable farm land.

IT IS HEREBY AGREED between the Town of Henrietta and Mark Greene, 3170 Clover Street, Pittsford, New York 14534, that said lands be leased to Mark Greene (hereinafter the "Tenant") and that said Tenant hereby agrees to farm and till said lands for the 2015 crop season at a rental of Forty-Five Dollars (\$45.00) per acre, for a total rental of One Thousand Three Hundred and Fifty Dollars (\$1,350.00) payable on or before December 1, 2014. Tenant covenants and agrees that Tenant shall be obligated to restore the real property to its original condition and shall make no improvements to the real property without the express prior written approval of the Town of Henrietta.

Tenant shall not be allowed to store any pesticides, herbicides, chemicals, fuel oil, gasoline, or chemicals or fuel of any nature on the property.

Tenant shall not be allowed to store any farm equipment on the property for longer than a forty-eight (48) hour duration unless actually engaged in the planting, cultivating or harvesting of crops.

Tenant further agrees to indemnify and hold harmless the Town of Henrietta, its agents and employees, from any and all claims of any nature and shall indemnify the Town of Henrietta from all liability, costs, damages or expenses due or in any way related to Tenant's possession or use of the real property including the attorney's fees and the cost of defense. Tenant agrees that he shall, before exercising any rights under this Lease, furnish to the Town of Henrietta a Certificate of Insurance naming the Town of Henrietta as an insured or additional insured against all liability claims in an amount not less than One Million Dollars (\$1,000,000.00), and in the form satisfactory to the Town of Henrietta insuring against injury to persons, wrongful death, property damage, and claims of every nature.

Tenant acquires no additional rights to use or possess the property other than spelled out herein.

This Lease is not assignable by the Tenant without prior permission of the Town of Henrietta.

This Lease shall terminate on December 1, 2015.

Dated: TOWN OF HENRIETTA

By:

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Jack W. Moore, Supervisor

Dated: TOWN OF HENRIETTA

By:

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Mark Greene, Tenant