

**HENRIETTA TOWN BOARD
AGENDA
DECEMBER 17, 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):
December 3, 2014
On Motion of: Councilwoman Zinck Seconded by: Councilman Page
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

RESOLUTION #23-275/2014
Authorize Accounts Payable

RESOLUTION #23-276/2014
Authorize Supervisor to Sign Abandonment of Easement – Water Main – 1200
Miracle Mile Drive

RESOLUTION #23-277/2014
Authorize Request for Special Permit Extension – SP2013-030 – Empire United
Soccer Academy

RESOLUTION #23-278/2014
Abolish Two (2) Stop Signs – Kodak Drive & East River Road

RESOLUTION #23-279/2014
Declare Item Surplus Material – Highway Department

RESOLUTION #23-280/2014
Call for a Public Hearing – Richland Residential, Inc. – The Summit Student
Housing

RESOLUTION #23-281/2014

Adopt 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

RESOLUTION #23-282/2014

Call for a Public Hearing – Ward Hill Subdivision Rezoning – Lacey Development

RESOLUTION #23-283/2014

Authorize Supervisor to Sign 2015 Contract with Henrietta Volunteer Ambulance

RESOLUTION #23-284/2014

Award Quote and Authorize 2014 Auditing Services – Raymond F. Wager, CPA, P.C.

RESOLUTION #23-285/2014

Award Quote and Authorize HVAC Services

RESOLUTION #23-286/2014

Authorize Request for Monroe County Sheriff to Pay Special Attention to Certain Areas of Road – Calkins Road between Pinnacle Road and Pittsford-Henrietta Town Line Road – Pinnacle Road between Calkins Road and Lehigh Station Road

RESOLUTION #23-287/2014

Authorize Monies Transfer

RESOLUTION #23-288/2014

Authorize Budget Transfers

RESOLUTION #23-289/2014

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 17th 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 we have approval of the Minutes for December 3, 2014, please?

COUNCILWOMAN ZINCK

Mr. Supervisor, I move approval of the Minutes of the December 3, 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

May I have the first (1st) Resolution, please.

COUNCILMAN PAGE

Yes, just a second.

RESOLUTION #23-275/2014

On Motion of
Councilman Page

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 12/17/2014 | \$202,103.71 |
| Exhibit B | Manual Bills Payable dated 12/3/2014 | \$ 1,650.00 |

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 #23-276/2014

On Motion of
Councilwoman Zinck

Seconded by
Councilman Breese

WHEREAS, the building lot at 1200 Miracle Mile Drive has been developed, and
WHEREAS, the water main 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 #23-277/2014

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, the Henrietta Town Board approved Special Use Permit No. 2013-030 on June 19, 2013 and a six (6) month extension was granted on June 17, 2014 for Empire United Soccer Academy, Inc., to develop and operate five (5) soccer fields with associated parking areas in a Residential R-1-15 and Industrial Zoned District, and

WHEREAS, the Applicant has requested another extension of said Special Use Permit to allow time to finalize plans for construction, 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 aforesaid Special Use Permit be extended for a period of six (6) months to expire on June 19, 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 #23-278/2014

On Motion of
Councilman Page

Seconded by
Councilman Mulligan

WHEREAS, the New York State Vehicle and Traffic Law, Section 1660, permits the Town Board to establish traffic regulations with the Town by Resolution, and

WHEREAS, the Monroe County Director of Transportation has requested permission to abolish the two (2) "STOP" signs from Kodak Drive at the East River Road intersections, and

WHEREAS, the Henrietta Town Board agrees with the determination of the County Director to remove these traffic control devices.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby authorizes the abolishment of the "STOP" signs at the above named intersections.

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 #23-279/2014

On Motion of
Councilman Breese

Seconded by
Councilwoman Zinck

WHEREAS, the 2014 Capital Project Fund provided funds for the purchase of one (1) new Skid Steer Loader to replace existing equipment #556 through Resolution #21-259/2014, and

WHEREAS, a new Snow Blower attachment was purchased to fit this new equipment and was purchased under the New York State Procurement Policy and is scheduled to be delivered in January of 2015.

THEREFORE, BE IT RESOLVED, that the existing snow blower attachment be traded in to Bobcat of the Finger Lakes upon receipt of the new Snow Blower attachment and all required paperwork and be removed from the Drainage Department 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 #23-280/2014

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, the Town Board received a written request from Richland Residential, Inc. for an Application for a Special Use Permit to construct 185 cottage style Residential Buildings and a Clubhouse, for a total of 780 bedrooms for student housing, on approximately 58 acres of land as identified as part of Tax Account Number 174.03-02-1.11 and located on the west side of East River Road in an Industrial Zoned District, and

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

THEREFORE, BE IT RESOLVED, that a Special Use Permit Public Hearing be held on January 7, 2015 at 7:00 p.m. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York, to consider approval of a Special Use Permit.

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 #23-281/2014

On Motion of
Councilwoman Zinck

Seconded by
Councilman Breese

WHEREAS, upon proper notice a Public Hearing was held on the 3rd day of December, 2014 where all persons wishing to speak regarding the amendment to the Town Code to allow New York State Town Law §278 Cluster Subdivisions to be permitted in RR Districts, were heard by the Town Board, and

WHEREAS, after consideration of all information presented and available it is the determination of the Town Board that 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, be enacted.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby adopts 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 FURTHER RESOLVED, that the Town Clerk shall file with the Secretary of State, as soon as possible, and in any event no later than twenty (20) days from this date, one (1) Certified copy of said Local Law No. 4 of 2014, and that said Law shall take effect immediately upon filing with the Secretary of State.

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 | Abstain |
| Carried | | |

RESOLUTION #23-282/2014

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, the Town Board received a written request from Lacey Development Corp. for rezoning of approximately 46.576 acres of land, identified as Tax Account Number 203.01-2-3.11, located at Ward Hill Road from Residential RR-2 to Residential RR-1, and

WHEREAS, the Henrietta Town Board declares its intent to be the Lead Agency

for the Environmental Quality Review under the New York State Environmental Quality Review Act (SEQRA).

THEREFORE, BE IT RESOLVED, that a Public Hearing on the rezoning request will be held on January 21, 2015 at 7:00 p.m. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York, to consider rezoning said property from Residential RR-2 to Residential RR-1.

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 #23-283/2014

On Motion of
Councilwoman Zinck

Seconded by
Councilman Page

BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to sign the Contract with the Henrietta Volunteer Ambulance to be effective January 1, 2015 and expiring December 31, 2015, as per the attachment.

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 #23-284/2014

On Motion of
Councilman Page

Seconded by
Councilman Breese

WHEREAS, the Town Supervisor has received a quote for Audit Services from Raymond F. Wager, CPA, P.C., in the amounts of \$13,000.00 for the Regular Audit, and \$1,000.00 for the Annual Updated Document, for a total amount of \$14,000.00 for the year 2014 Audit of the Town of Henrietta, and

WHEREAS, Raymond F. Wager, CPA, P.C. has performed this audit for several years for the Town of Henrietta with satisfactory results, and

WHEREAS, the Town Supervisor has received a quote for additional necessary Audit Services including:

- Quotations for Accounting Services Depreciation;
- Quotations for Agreed-Upon Procedures Justice Accounts;
- Town Clerk/Receiver of Taxes, Proposal for Accounting Services;
- Quotation for Accounting Services Management Discussion and Analysis.

THEREFORE, BE IT RESOLVED, that Raymond F. Wager, CPA, P.C., be authorized to conduct the year 2014 Audit of the Town of Henrietta for an amount not to exceed \$23,000.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Raymond F. Wager, CPA, P.C., 1020 Lehigh Station Road, Henrietta, New York 14467, upon receipt of all necessary documentation.

SUPERVISOR MOORE
Discussion?

COUNCILMAN MULLIGAN

Just under discussion, we've been using Ray's firm, I believe, since 1982, which is thirty-four (34) years and I believe he's always done an excellent job and been very open and candid with the Board in his review of the books.

SUPERVISOR MOORE
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 #23-285/2014

On Motion of
Councilwoman Zinck

Seconded by
Councilman Breese

WHEREAS, the Town solicited quotes for HVAC services for various Town facilities, and

WHEREAS, three (3) responses were received, with the lowest quote from Pipitone Enterprises, LLC, 3225 Chili Avenue, Rochester, NY 14624, in the amount of \$9,115.00.

THEREFORE, BE IT RESOLVED, that the Town Board hereby awards the Contract for HVAC services to Pipitone Enterprises for the initial term of January 1, 2015 through December 31, 2015. This Contract may be extended annually for two (2) additional years per the same terms and conditions.

SUPERVISOR MOORE
Discussion?

COUNCILMAN PAGE
Just for people's information, HVAC is heating, ventilation and air conditioning.

SUPERVISOR MOORE
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 #23-286/2014

On Motion of
Councilman Page

Seconded by
Councilman Mulligan

WHEREAS, the Henrietta Town Board is concerned for the safety of its residents and seeks to encourage compliance with Vehicle and Traffic Laws and other safety regulations within the Town of Henrietta, and

WHEREAS, it has been reported to the Town Board and evidence has been presented by concerned citizens and employees of the Town of Henrietta that certain areas of the Town have been experiencing significant and repeated violations of the Vehicle and Traffic Law by motorists which endanger the safety and welfare of the Public, and

WHEREAS, the Monroe County Sheriff who has primary responsibility for policing Vehicle and Traffic infractions in the Town of Henrietta has traditionally been responsive to such concerns of the Town Board.

THEREFORE, BE IT RESOLVED, that the Town Board hereby requests that the Monroe County Sheriff pay special attention to the areas of Calkins Road between Pinnacle Road and Pittsford-Henrietta Town Line Road, and Pinnacle Road between Calkins Road and Lehigh Station Road, for enforcement of Vehicle and Traffic Laws.

BE IT FURTHER RESOLVED, that a copy of this Resolution be delivered to the Sheriff of Monroe County.

SUPERVISOR MOORE
Discussion?

COUNCILWOMAN ZINCK
Was this Mr. Christensen's?

SUPERVISOR MOORE
Yes.

COUNCILWOMAN ZINCK
Yes, I just was going to say he put a lot of work into this and he brought it to the Board, and I'm glad we're at least doing this Resolution.

COUNCILMAN PAGE
Thank you.

SUPERVISOR MOORE
We'll also thank Mr. Mulligan. This was his suggestion.

COUNCILMAN MULLIGAN

As a courtesy, maybe the Town Clerk could send a copy of the letter, or the Resolution to Mr. Christensen. Thank you.

SUPERVISOR MOORE

It'll be done tomorrow. 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 #23-288/2014

On Motion of
Councilman Mulligan

Seconded by
Councilman Zinck

BE IT RESOLVED, that the Director of Finance be authorized to make the Budget transfers, as per the attachment.

SUPERVISOR MOORE

Discussion? Please call the roll.

REBECCA WIESNER, TOWN CLERK / RECEIVER OF TAXES

I believe we missed a Resolution.

COUNCILMAN PAGE

Yes, we missed...

COUNCILWOMAN ZINCK

Yes, I'm...

COUNCILMAN BREESE

Yes.

COUNCILMAN PAGE

...a Resolution.

COUNCILWOMAN ZINCK
...confused. Mr. Mulligan, what'd you do?

COUNCILMAN BREESE
You read 288.

SUPERVISOR MOORE
Yes, why don't we just vote on 288.

COUNCILWOMAN ZINCK
Okay, 288.

SUPERVISOR MOORE
We'll go back to 287.

COUNCILWOMAN ZINCK
But he called it 287, but it's really 288.

REBECCA WIESNER, TOWN CLERK / RECEIVER OF TAXES
Okay.

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 #23-287/2014

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town Board established a Capital Project Fund (H) per Board Resolution #20-252/2014, and

WHEREAS, the Town Board now intends to utilize Surplus Monies in the General Fund, per Town Law 220, to Construct a new Town Facility.

THEREFORE, BE IT RESOLVED, that the Director of Finance is hereby authorized to transfer Monies from the Unappropriated General Fund Balance to the Capital Project Fund, Facility Account, totaling \$5,000,000.00.

SUPERVISOR MOORE
Discussion?

COUNCILMAN MULLIGAN
If the Finance Director could nod knowingly this puts us in compliance with the Comptroller on getting the surplus down to a reasonable number?

(From audience, Barbara Chirido, Finance Director, "Yes.")

COUNCILMAN MULLIGAN
Thank you.

SUPERVISOR MOORE
That's why we have this Resolution tonight and we've complied.

COUNCILMAN MULLIGAN
Just want to put it on the Record.

SUPERVISOR MOORE
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 #23-289/2014

On Motion of
Councilman Breese

Seconded by
Councilman Page

WHEREAS, Kelly Gusmano's name was misspelled as Gusman on Resolution #18-230/2014.

THEREFORE, BE IT RESOLVED, that the following correction be made:

Kelly Gusmano Recreation Department, Part-Time Clerk
(Temporary) @ \$10.25/hr., effective
September 8, 2014.

BE IT FURTHER RESOLVED, that the following employee changes be made, effective November 30, 2014:

Kelly Gusmano Recreation Department, Office Clerk @ \$12.79/hr., from \$10.25/hr., effective December 15, 2014.

Deborah Arnaud Recreation Department, Recreation Attendant @ \$12.60/hr., from \$12.35/hr., effective October 5, 2014.

BE IT FURTHER RESOLVED, that the following persons be hired:

Fred Rodriguez Highway Department, Seasonal Dispatcher @ \$9.50/hr. and Seasonal Wingperson @ \$9.25/hr., effective November 30, 2014.

Emmett Ladd Highway Department, Seasonal Wingperson @ \$9.25/hr., effective November 30, 2014.

Tomiek Byrd Recreation Department, Afterschool Recreation Attendant @ \$8.75/hr., effective December 14, 2014.

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
That concludes our business portion of the Meeting. We do have six (6) people signed up for Public Comment and I will call you up and please state your name and address for the record. The first (1st) one would be Mr. Mitchell. We'll have, you'll have two (2) minutes to speak.

HUGH MITCHELL, 147 HILLSIDE AVENUE

Right, I must speak fast. Hugh Mitchell, I'm here from 147 Hillside Avenue, and I am here representing the Rochester Regional Group of Sierra Club, which is, as you know, is a National Environmental Organization and we're speaking tonight about the idea that Henrietta has an opportunity to create an exciting new park on the west side on River Road where currently there's a proposal by the Richland Corporation to develop the old Kodak lands. We feel that this land is absolutely unique. It's a beautiful, basically nature park already, which Kodak developed. It has all amenities of a park and this includes the Deep Swell Valley. They had trails in there, there's old woods, there's even an old picnic area and especially the fact is that it's on the west side of the Town of Henrietta next to the river. There's almost no public space accessible to the river, and I think with your wise guidance from Henrietta, you have been good on developing some parks, but I think the west side needs some park space, and there's very little space left along the river to develop. I would recommend, the Sierra Club would like you to see you take leadership to try to deny the housing development next to Rivers Run and to instead make an effort to move toward purchasing that land and it won't cost you anything particularly developed as a park because Kodak developed it as a park. All those amenities are there. So the last thing I would say is that in looking over many years at Henrietta, I've been at this a long time as an environmentalist, Henrietta's done a wonderful job. You're a balanced community, you have commercial, you have industrial, you have housing, you have rural. I think you need a little more park space, and I would love to see Henrietta take action to preserve this land. Thank you very much for your time.

SUPERVISOR MOORE

Thank you very much. The next speakers are Susan and Barry McVay.

BARRY MCVAY, 504 RIVERS RUN

We'll go individually. I'd be glad to start off.

SUPERVISOR MOORE

We have to have your name and address.

BARRY MCVAY, 504 RIVERS RUN

That's good. Barry McVay and I live at 504 Rivers Run. Okay? So I can begin now. That seems pertinent living at Rivers Run in that my major concerns I'd like to speak to would have to do with our property value being impacted by this project by Richland and BME, and then the other would be our privacy as well. In terms of, and it is encouraging, I was listening to your earlier business about how you have been able to get the surplus down to a reasonable level, and I am really encouraged that I have moved almost eight (8) years ago into this community that has been so financially well managed that we even got a refund this year, which with our surplus not being quite as

TB December 17, 2014

much to deal with was much appreciated. In terms of impact on the property value of where we live, I think that it is really pertinent that this proposed project, which I believe that you've gotten information from an earlier meeting this week, there were many concerns voiced there. It would really be dramatically impacted by the student housing development that's being proposed and in particular, should this proposal be put forward by the impact on the over one hundred (100) year old trees that are along the south fence separating us from what would be the proposed development. These, when we bought the property, the cottages that were built there, it was emphasized that they were based on an Adirondack model. Now thinking of the model that those of us that enjoy the Adirondacks, if they've moved towards, is to have the housing set back behind those trees so that it isn't really obvious that new housing has been developed there, it's in harmony with the nature of things. As was mentioned earlier, this is just a natural, as I'm sure you all know, beautiful, environmentally unique area. Our housing would be very compromised by a student housing as being proposed butting right up against where our development currently is. The cottages certainly wouldn't be like Adirondack style in any way shape or form and the environment surrounding them wouldn't be in that fashion. And that ties right in to the privacy issue. I'm especially feeling for the folks that live on the area that comes right up to the hill where these new student housing buildings would overlook and look right down into the cottages that would be beneath them. I think these are very significant areas and I think that it actually could be a win/win situation to build an Adirondack like style, in terms of both our property value and should this proposal be put forward, then the long term value of the student housing. As somebody had mentioned from our community, if the one hundred (100) year old trees are cut down and replaced by evergreens and ornamental trees, by the time they grow to the height of eight feet (8') we'll probably all be dead. Thank you.

SUPERVISOR MOORE

You're welcome. Thank you. I'll need your name and address too.

SUSAN MCVAY, 504 RIVERS RUN

Hi. I'm Susan McVay at 504 Rivers Run. I share a condominium with my husband, you just heard. I have two (2) concerns about the development that's being proposed and they both revolve around safety. The first (1st) safety issue that I'm very concerned about is the traffic that would be generated by this development. There's already been a fatal accident at the corner of Lehigh Station Road and East Henrietta Road, as you are probably aware. That seems to be a very dangerous area. Visibility is very poor at that intersection and I'm concerned with adding almost eight hundred (800) college students coming through that intersection, what it would do to the safety record of that road. I'm also concerned about the safety of the students living in that housing area. It seems to me, as a person who worked as a Residence Hall Director for a residence hall on the shores of Lake Ontario, that housing college students on the shores of any

body of water is a very risky endeavor. We frequently had reports and often very concerning and valid reports of students who had either borrowed or stolen canoes or other boats to go out onto the water at night. Kids are kids and I don't think twenty (20) year olds or eighteen (18) year olds have changed much, and it is a very risky location in my mind, to house college aged young people on the shores of our river with a very fast current in that area. I'm really concerned about that safety issue as well. I'm concerned about the fact that, again, as I'm sure you're aware, as the Board, the traffic light was removed when it was no longer needed on East River Road when Kodak went away and a light was not needed at the Kodak entrance. However, I understand from attending the Meeting a couple of nights ago presented by the developers of this development, that no new traffic lights are anticipated or are going to be requested to be installed along East River Road, so I'm very concerned about the increase in traffic and traffic flow. The other thing I learned from the developers a couple of nights ago, is that when it was raised as a concern that there is only one (1) road, one (1) entrance to their proposed development, they said they were also looking at trying to get a variance to allow them to use Fairwood Drive, the only entrance and/or exit from the Rivers Run area, in emergencies, so that then means we have one thousand (1,000) people using the road to leave the area in an emergency. That seems like a very risky endeavor to me. The other traffic complication that I foresee is that Rivers Run, the large apartment building at Rivers Run, is housing, is home to the Osher Lifelong Learning Program, which has an enrollment of six hundred (600) plus students who come and go throughout the week. They also use that road, so now we're up to a very large number of people using one (1) road to get out of the area in an emergency and an area that has been noted of course for flooding and other emergency situations, so I'm very concerned about safety, primarily, as we look at this proposal for student housing, and I'm sure you may share my concern about safety as well. Thank you.

SUPERVISOR MOORE

Thank you very much. The next speaker is Beth VanFossen.

BETH VANFOSSEN, 501 RIVERS RUN

Thank you. I'm Beth VanFossen and I live at 501 Rivers Run, and I thank you for the opportunity to speak and some of the prior speakers have already made some of my points, so I will try to edit down what I have to say. As you know, Rivers Run is a community for people over fifty-five (55), its located right next to the land that's being proposed as the site for student housing. I did attend the meeting two (2) nights ago and I wish to speak briefly in opposition to the construction of this project. There are two (2) important reasons, most important reasons I think. One is that the population would be too dense for the land available for the housing. The acreage consists of a hillside leading down to a wetlands area and its bounded on one side by the Genesee River and on the other side by a two (2) lane highway, which is the East River Road. There are two (2) aspects of this density, or overcrowding that I think should be

highlighted. One they have already mentioned is the traffic problems. Seven hundred and eighty (780) cars located within the housing project, I'll just add a couple of points. This area of the road is particularly dangerous. There have been some fatal accidents, there's a very steep hill coming from the north, it's fairly short. Cars come down rapidly, in some cases, and then it goes back up again, and again the visual distance is not very great, so it is a little difficult to anticipate the cars coming the two (2) directions. Many of the cars seeking to getting out of the housing project would have to cross over the southbound lane of cars and move onto the northbound lanes on the opposite side; that is what we have to do when we leave Rivers Run and it requires great attention as to when those cars are going to come as your trying to pull out. Traffic on East River Road at the time that our peak hours is heavy and when the stop lights at both ends of the region over the hills are two (2) stop lights and during peak hours the cars line up and then when they turn green they all come down shortly thereafter the stop light on the other side also turns green and they come, so again its somewhat of a difficult thing, especially for people over fifty-five (55) to maneuver that. I can only imagine what it would be like with seven hundred and eighty (780) cars, okay they don't all have cars, maybe six hundred (600) cars, whatever it is, seeking to get out from the housing project. A second (2nd) aspect of the traffic problem, the developers maintain that a second (2nd) exit from the project onto Fairwood Drive is in the plans. It would normally be locked, they say, and opened only if there is a traffic accident on East River Road, which would block the exit from the project. It appears to me however that this is not an answer to the normal extensive traffic crowding that will occur as students leave and return from their classes. The second (2nd) aspect of the crowding and density, is that the houses to be built on the land will be very crowded together, it appears from the site plan, and that's because of the extensive land area at the bottom of the hill designated for wetlands and ponds, so there's really only the top of the hill that is available for the houses and they appear to be very close together. Parking is outside of the houses on the streets. Very dense housing sometimes leads to several undesirable neighborhood characteristics, particularly noise and debris, are two (2) of the most obvious. The developers maintain that there will be student monitors in every house who will be policing the area after normal working hours and suggest that if this is not sufficient to control the noise or activities levels, then we residents of Rivers Run could call the police. One (1) thing that I left out, and I only have a little bit more to say, but I left out about the traffic problems that Osher, which is the Osher Lifelong Learning Institute, which has six hundred (600) members, has sponsors between forty-five and fifty-eight (45-58) courses per term and that means forty-five to fifty-eight (45-58) courses per week, and these have attendances between twenty (20) people and one hundred and twenty (120) people. Those people then also exit. I just wanted to point out that it's not just our community, the student community, it's this large second (2nd) community, and then finally, about the trees on the northern edge of the plot, which are beautiful especially in the fall, being replaced with six foot (6') tall evergreen trees and twelve foot (12') tall street lamps. The cutting down is required so

that they can get all of the seven hundred and eighty (780) students into the cottages and they need the seven hundred and eighty (780), they said at the meeting, in order to have a breakeven point for the cost of building the buildings. The northern edge of the planned housing is so close to the Rivers Run property that we would look right up into the cottages. We would be lower and we would, the trees would be gone, the six foot (6') would be there, the street lamps that are higher would be there and then behind that would be the two (2) story buildings to some degree. It feels like a travesty for those of us who came to Rivers Run for the beauty of it, and a catastrophe to our hopes and dreams we had when we purchased our cottages at Rivers Run. And should we wish to sell our houses to move to more peaceful and attractive neighborhoods, we would find that the value of our houses might be greatly reduced. I asked if they had considered in there, they had done much consideration and preparation, if they had looked at the effect it would have on housing values and I don't think that they had. I agree with Hugh Mitchell, it would be ideal if that could be turned into park land, I don't know if that fits with your needs and wishes for this area. If not, myself, I would prefer the industrial park type buildings to be built. Many of them in this area are pleasant, they're not huge, they're not seven hundred and eighty (780) employees in the buildings, you know the ones I'm talking about, in the new industrial park. That would be preferable, in my view, to the creation of overcrowded population of students. Public river front lands are rare; any natural areas should be preserved, and I've used up my time I think. Thank you very much.

SUPERVISOR MOORE

Thank you. The next one is James Galvin.

JAMES GALVIN, 1303 RIVERS RUN

Hello. My name's James Galvin, I live at 1303 Rivers Run, and I only come tonight to talk to the Board about looking very carefully at this project. It's asked for a Special Use Permit as well as it needs variances because the setbacks are not within the Town Code, to allow the number of buildings that are being built. I would encourage the Board to look at that, not as a single setback issue, but rather one (1) for every unit that requires that setback. And if you look at a development that's going to perhaps require one hundred or one hundred and fifty (100 – 150) variances, I think you need to ask yourself if it's going to be...

SUPERVISOR MOORE

One thing you need to understand, the Zoning Board is the one that can grant variances, the Town Board can't.

JAMES GALVIN, 1303 RIVERS RUN

That's true, but the Town Board does look at the project as a whole and can talk to the Zoning Board too. The second (2nd) thing is the density is enormous on that property,

and they've used just about every piece of the buildable land that there is, although they say there is green space, it is wetlands that they can't build on. I would encourage, if this does go through, that the development is pulled away from the ridgeline of that property so that it maintains a visual perspectives that is not crowding a whole line of very close built homes on the top of the ridgeline. I would also encourage that in addition to the six foot (6') pine trees that are proposed to replace the trees they take down, that some kind of permanent noise abatement, a manmade noise abatement facility would be there so that in the interim while those trees grow up to take the natural noise abatement down, that the sound barrier would be there for those of us who should have peaceful enjoyment of our property. Thank you.

SUPERVISOR MOORE

You're welcome.

COUNCILWOMAN ZINCK

Can I just ask you what you have in mind for that, I mean do you have a...

JAMES GALVIN, 1303 RIVERS RUN

Yes, well...

COUNCILWOMAN ZINCK

...visual of what you're...

JAMES GALVIN, 1303 RIVERS RUN

...a visual could be...

COUNCILWOMAN ZINCK

...suggesting?

JAMES GALVIN, 1303 RIVERS RUN

...even something as, like they would put on the side of a road while it would, the trees would be there, that it could buffer that, but it would be a solid buffer that would be high enough, perhaps create a military horizon, so that the people below it would not see as much of the light pollution that would be there and with seven hundred and eighty (780) students in a fifty-eight (58) acre parcel, the noise abatement could be reduced significantly by something like that that would take probably twenty (20) years for the trees to do.

COUNCILWOMAN ZINCK

Thank you.

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JAMES GALVIN, 1303 RIVERS RUN

Thank you.

SUPERVISOR MOORE

Thank you very much. The next speaker is Jill Mangino.

JILL MANGINO, 1361 MIDDLE ROAD

Hi. My name is Jill Mangino, I live at 1361 Middle Road, Rush, New York, 14543. What I have to say is going to take more than two (2) minutes, so I am going to hold my question for later. Thank you. We're all set.

SUPERVISOR MOORE

The next speaker is Victoria Mangino.

VICTORIA MANGINO, 1361 MIDDLE ROAD

My name's Victoria Mangino. I live at 1361 Middle Road, Rush, New York, 14543. I reserve my right to ask my question at a later time. Thank you.

SUPERVISOR MOORE

There are no other speakers that are signed up. Dave or Mike, did you want to talk? *(Pause, no response.)* Seeing no others, may I have a motion to for adjournment?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Page, seconded by Councilman Mulligan at 7:40 P.M. and was adjourned without objection.

Respectfully submitted,



Jennifer L. Miranda

Deputy Town Clerk