

**HENRIETTA TOWN BOARD  
AGENDA  
APRIL 18, 2012**

Supervisor Yudelson  
Councilman Mulligan  
Councilwoman Zinck  
Councilman Moore  
Councilman Page

**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):
  - April 4, 2012
  - On Motion of: Councilwoman Zinck    Seconded by: Councilman Moore
6. Miscellaneous Communications
7. Public Hearing:
  - Proposed Rezoning of Land Located on the West Side of East River Road from Residential R-1-15 and Industrial to Residential R-2-15 – Jayne’s Riverview, LLC
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 #9-97/2012**  
Authorize Accounts Payable

**RESOLUTION #9-98/2012**  
Authorize Tax Certiorari Settlement – 3150 West Henrietta Road – Henrietta Holdings, LLC

**RESOLUTION #9-99/2012**  
Authorize Attendance of PERMA Annual Safety Conference

**RESOLUTION #9-100/2012**  
Declare Items Surplus Equipment - Teitsworth Auction

**RESOLUTION #9-101/2012**  
Authorize Agricultural Lease – Miller Farms, Property on Martin Road

TB April 18, 2012

RESOLUTION #9-102/2012  
Authorize Personnel Items

TB April 18, 2012

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 18<sup>th</sup> DAY OF APRIL, 2012 AT 7:00 P.M.

**MEMBERS PRESENT**

Supervisor Michael B. Yudelson  
Councilman William J. Mulligan, Jr.  
Councilwoman Janet B. Zinck  
Councilman John W. Moore  
Councilman M. Rick Page  
Daniel J. Mastrella, Town Attorney  
Leann C. Case, Interim Town Clerk

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

**SUPERVISOR YUDELSON**

Good evening. Before we get to the Public Hearing, is there anybody who wanted to speak on any of the other Agenda items for tonight? And then there will be an opportunity to speak on other matters at the end of the meeting, but Agenda items, other than the Public Hearing? *(Pause, no response)* If not, may I have the approval of the Minutes?

**COUNCILWOMAN ZINCK**

I'd like to move approval of the Minutes of the April 4, 2012 meeting.

**COUNCILMAN MOORE**

Second.

**SUPERVISOR YUDELSON**

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

We have a Public Hearing tonight that is on the proposed rezoning of land located on the west side of East River Road from Residential R-1-15 and Industrial to Residential R-2-15 for Jaynes Riverview, LLC. There will be an opportunity for the public to speak or ask questions, but we'll first have a presentation by the Applicant on what they propose to do. I'll give you a second to get set-up, and then, if you wouldn't mind identifying yourself, and anyone who is going to participate, as you come up to the microphone, if you'd just give your name and your role, for the Record, and tell us what you propose to do. Is this, can I ask, is this the same that is going to be projected or are these two (2) separate things, what's going up on the screen and . . .

PETER VARS, BME ASSOCIATES

The exhibits I have here are also there.

SUPERVISOR YUDELSON

Great. So the audience will be able to see it. Okay.

PETER VARS, BME ASSOCIATES

Good evening. My name is Peter Vars from BME Associates, appearing this evening on behalf of Jaynes Riverview, LLC, the property owner and Applicant. And, also, with me is Steve Trobe from Graywood Design, who will actually in a few moments do the presentation on the architecture and design of the buildings themselves. We are appearing this evening to request and review with the Board a request for rezoning of lands that are located on East River Road. We are requesting for them to be rezoned from their current Industrial and Residential R-1-15 zoning designations to a proposed zoning district of Residential R-2-15. The property involved consists of three (3) tax parcels totaling 142.8 acres. The three (3) parcels consist of what we've always called the south parcel, known as "Parcel K". That is forty-six (46) acres in area and is currently zoned Residential R-1-15. A second smaller parcel is about 1.8 acres in size here, it's a frontage parcel, again, it is zoned Residential R-1-15. And the third parcel is "Parcel G", which is located here, contains the bulk of the property, is ninety-five (95) acres, and is zoned Residential Industrial. The property is currently a mix of dormant agricultural lands, wooded areas, and a DEC regulated wetland area. For location purposes, the property is bounded by what will be the Graywood Meadows Residential Subdivision to its south, there at the base; the Genesee River forms the westerly boundary of the property. The property actually has about twenty-four hundred (2,400) lineal feet of I call it "frontage", or twenty-four hundred (2,400) lineal feet along the boundary of the Genesee River. To the north are the topical right-of-way, the power line, power authority right-of-way, and then just north of that is the former Kodak Riverwood Campus. And then the east boundary of the property is East River Road itself. The property occupies about two thousand feet (2,000') of frontage along East River Road. The Applicant is requesting rezoning so that the three (3) tax parcels can be developed as one residential community providing multiple housing in different segments or

neighborhoods. The rezoning being requested is illustrated on this exhibit. What we are requesting is that of Parcel K, the parcel currently zoned R-1-15, is that a portion of that, the northern portion here, about 22.8 acres is rezoned to Residential R-2-15. We are requesting that the entire 1.8 acre, Parcel H, is rezoned to Residential R-2-15, and then we are requesting that forty-five (45) acres of what is the ninety-five (95) acre parcel is rezoned from Industrial to Residential R-2-15. So the total amount of acreage of this 142.8 acre parcel, or properties, that we are requesting for rezoning is 69.6 acres. So, 23.3 acres of Parcel K will retain its R-1-15 zoning, and 49.9 acres at the northern end and along the river of the Industrial zoned lands will retain that Industrial zoning also, and we'll explain in a few moments how this all lays out with the Land Use Plan. So, the proposal is to develop the property with a mix of residential housing. Housing types consisting of detached single-family homes for rent market rate apartments, duplex patio homes, and fee simple for sale townhouses. In order to introduce the apartment and the duplex housing units into this development proposal, that is the need to introduce the R-2 zoning district because that is the only district within the town that allows duplex units and apartment dwelling units. A concept plan has been prepared for the development plan that illustrates the intent of the Applicant for this property, and I'll walk you through that very briefly. The initial, or I shouldn't say the initial, moving south to north through the property is thirty-one (31) single-family lots being proposed along the south boundary line. These would be within the R-1-15 zoned lands. They are a permitted use and thus that zoning would be retained. There is no proposal to change the zoning in that area. Moving now to the north, there are one hundred and forty-four (144) for rent market rate apartments proposed in this area of the site here. Those apartments would be eight (8) units per building, so there are a total of eighteen (18) buildings proposed for the apartments. These are located partially within Parcel K, and partially within Parcel G, and thus, would require the need for the rezoning to the R-2 District. We have located the apartments or clustered them into the middle of the property because we're taking advantage of the topography that tends to be one of the lower areas of the site, such that it will actually have a natural buffer to limit its visibility from East River Road and surrounding areas. The next housing component proposed is eighty-four (84) duplexes, which are located along East River Road frontage, and along the frontage of a proposed dedicated street that would be constructed within the development. These duplexes are located within all three (3) parcels on the property, and thus, also require that portion of the properties to be rezoned to the R-2 District because of the need to allow the two (2) family dwellings. The final housing component proposed is ninety-six (96) fee simple townhomes that will be located along the river. These are proposed as four (4) units per block, so there are a total of twenty-four (24) blocks or buildings proposed at four (4) units each. These townhouses are located within the Industrial zoned lands of the property, and as such, they are an allowable use via the Special Permit process to occur within the Industrial zoned lands. So, therefore, that is why there is not a need to rezone this portion of the property, it will retain that Industrial zoned land. The total amount of units proposed here is three hundred and fifty-five (355) units, so that yields a density on this property of 2.48 units per acre, three hundred and fifty-five (355) units on the 142.8

acres. We do want to note, as we have already said, the townhouses would require a Special Permit. In the event, or if and when the rezoning is successful, we also need to point out that the apartments and the duplexes would then also require Special Permits because while the uses are allowed in the R-2 zone, they are allowed via a Special Permit. So, this is actually the first of two (2) step process to allow the apartments and the duplexes on this property. So, applications will be made for the Special Permits for these three (3) uses, the townhouses, the apartments, and the duplexes, as a separate process that would need to be conducted with this Board. The concept plan that's been prepared and the development mix proposed represents actually the culmination of several months of a planning process that we've gone through, which has included meetings with Town staff, discussions with the Planning Board, and formal presentations with them and meetings with the Town Board themselves through your Workshop process. The plan, besides the residential units that we've discussed, also includes several amenities that we believe will benefit not only the residents of this proposed development, but also the community in whole. First and foremost, there would be a sidewalk constructed along one side of the entire dedicated street system; there would be 1.5 miles of pedestrian trails installed throughout the open space areas for recreational purposes and recreational uses. The plan does include a proposed community clubhouse, full club area, that would have associated parking with it that would be available for use for all of the residents of this development, we are also proposing and will provide additional parking fields within the townhouse development area, as been suggested through the planning process to date. We are also proposing, and I'm just going to come down here for a second, we're also proposing the Applicant is to donate a portion of land in this area here to the Town of Henrietta, if they see fit to take that. The purpose for that being because if it does have access and frontage to the Genesee River, is the ability for the Town, if they wished to develop a riverside park or recreation area in that area, so that's this component here that the Applicant is willing to consider donating. This plan represents ninety-five (95) acres of open space, which is two thirds of the total project area. The open space would be retained and owned by a homeowner's association that would be established for this project. All of the residents, the townhouse residents, the single-family residents, and the duplex residents would participate in that homeowner's association. The open space plan has been prepared to achieve several goals, and that includes providing preserving natural features on the property and establishing buffers, not only to the perimeter of the property, but also within the different neighborhoods that are proposed on this property. As you can see on this rendering, this is the State DEC wetland area that pretty much bisects the property northeast to southwest. That entire wetland area would be encompassed within the open space area. There is no disturbance or encroachment proposed of that wetland area. The Genesee River obviously has a flood plain associated with it, and that is signified in this rendering by this darker green color here. The flood plain would not be developed as part of this proposal; it would be placed within the open space, but beyond that open space would be used to create buffers to the surrounding perimeter. There's a one hundred and twenty-five foot (125') wide buffer proposed along East River Road

along the buffers in this area here up at the north end of the property. The rezoning that we are requesting, and the subsequent residential development that could result from rezoning has been planned to represent a logical land use progression for the properties involved as you move from south to north across this property. The southern end of the south of the property, we have the New York State Thruway, Farrell Road Extension, which has the residential development along that, and then the planned one hundred and twenty-two (122) lot Graywood Meadows Subdivision. Then if you flip, you go all the way to the north end of the property, you have the power lines and their right-of-way, the former Kodak Riverwood Campus, but then as you move north of there, then again, you get into some higher density residential development that starts transitioning out to some more defined single-family residential development, and then ultimately you move towards Jefferson Road. So, the rezoning and the use progression, we believe provides a logical transition from the single-family suburban residential uses that are along the south end of this property up to what is a, even though it is currently vacant, but what is a defined Industrial or Commercial general office type use. So, we look at transitioning the intent or density of the development from the single-family use up to the Industrial use to the north. The existing, as we do this transition that was the main reason for locating the single-family residences along the south. We found that, we felt it was very important that these uses on the southern end of this parcel mimic what was happening adjoining or to the south, that it was a compatible land use, a compatible residential type development given the fact that, in theory, these lots are not developed yet, they were located adjacent to an R-1-15 zone and in theory, it would make sense that those uses stayed compatible. So, that's the main reason for providing these thirty-one (31) single-family lots here, is for compatibility to what is already been approved to the south of this parcel. One thing, as we talk about the majority of this property, ninety-five (95) acres is currently zoned Industrial. The fact is that these existing lands as Industrial would prove difficult to develop as an Industrial use given the topography on the site. There's actually fifty feet (50') in elevation difference between East River Road and the wetland area. In addition to that, we have the flood plain along the Genesee River, and we have the twenty-three (23) acres of wetland that basically split the parcel in two (2). It would have been very difficult for an Industrial user to go in there and develop that, and more importantly, I think it would have also been difficult for an Industrial use to go in here adjacent to a future residential neighborhood. So, we feel that with this proposal, we're actually introducing uses that are more compatible to what's been established in this corridor, if you consider the corridor being between the power lines and the New York State Thruway. The proposed housing mix does represent, in our opinion, what we believe to be the highest and best use for the parcels, given the natural features and the location within this portion of the Town of Henrietta. All the while, we do believe we are meeting goals and objectives of the Town's Comprehensive Plan, including a primary goal, as it relates to the relationship of development along the Genesee River, not only not turning our backs on the river, but with the potential through open space of providing access and use to the river. Also, we see this as being able to provide a mix of housing to serve several segments of the population within one (1) residential development

without there being a need to take four (4) different types of housing and spread them out through four (4) different types, different pieces of property in four (4) different areas of the Town. It's able to concentrate it and get a benefit and an economy of scale from infrastructure to serve definitely different segments of the residential population within one area. So, that's why we believe that the introduction of the R-2 zoning on this parcel is a logical approach to achieve the development goals of the Applicant and meet the diversified housing needs of the Town of Henrietta. One thing we do want to point out, and Steve, if you could bring up the exhibit that shows all of Dutch's holdings, please. Yes. On this exhibit here, one thing we do want to point out that the loss of, even though we're only requesting to rezone forty-five (45) of the ninety-eight (98) acres of Industrial land to R-2 zoning, the fact of the matter is the development of this as townhouses takes that out of the Industrial inventory, also. But, one thing we want to point out, we don't believe the loss of that Industrial zoned land will be detrimental to the Town of Henrietta, as it relates to being able to attract future Industrial development within the town. On this exhibit, on the slide to my right, the Applicant, this Applicant actually still owns one hundred and forty (140) acres of Industrial zoned land that is located along East River Road north and south of Lehigh Station Road, and it's the two (2) blue rectangular lots here and here. So, there is still inventory within the town of the zoned land. The last thing I would just like to add is we have provided within our application materials to you the Environmental Assessment form that included an Engineers narrative on the technicalities, as it relates to the changing of the request to change the land use on these parcels, but we also provided you a project overview and narrative that we felt does provide a very in depth analysis of the proposal including the assessment of the natural features on the property, it also presents information on both conventional development densities of this property and the requested development densities as part of the rezoning application, and we also provided additional information and discussion to support this request. So, with that, I'm going to finish up my component of the presentation, and have Steve speak briefly to the architecture and the actual type of residential units that are proposed, and after that, either Steve and I will be more than happy to answer any questions you have.

**STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN**

Hello. My name is Steve Trobe. I'm the architect with Graywood Design, and I'm also representing Dutch Summers and Jaynes Riverview, so I'm kind of wearing two (2) hats here. It's a little bit hard to see under this light, I apologize. It's too bright tonight, for a change. But, we have three (3) housing types. Peter referred to "duplex homes", but what we really are doing are putting in patio homes. So, there are two (2) patio homes attached making duplexes. It's really an interesting product for this area. We are really excited about the patio homes, which we mean to be single-level homes with basements, but not a second story, and it's not a product that's really prevalent in this area and we think it's a nice mix to bring into this development. The townhomes will be two-story, more traditional but larger homes. I'll go back a minute. The patio homes were thinking are in the one hundred seventy-five thousand dollar (\$175,000) to two hundred thousand

dollar (\$200,000) range. The townhomes, which are on the portion that look over the river are going to be larger and more dramatic with views of the river, and they'll probably start around two hundred and fifty thousand dollars (\$250,000) and move up to be more in the twenty-five hundred square foot (2,500') range and may be larger, depending on what the market shows us. And, the apartments, which all of these will be similar in character and scale, the apartments are definitely market rate, or a little above market rate apartments, probably one hundred and ten (\$110.00) to one hundred and fifteen dollars (\$115.00) a square foot. So, these are not intended to be student apartments, they are intended to be family homes. Obviously, we can't, I know it's a sensitive issue, we can't keep students out, but I think it's really not the target market. These are intended to be homes where families live. And, we think it makes a great mix of different housing types that will augment the single-family homes that are being put in now, so we don't have sort of a monoculture of housing types. I think the density and ration of new neighborhoods will be a really interesting insertion into the Henrietta community. Is that brief enough? *(Laughter)* And, any questions I'll be happy to answer.

SUPERVISOR YUDELSON

I'm sure there are some. Ladies first.

COUNCILWOMAN ZINCK

Oh, thank you. Okay, through you, I just want to know the number of bedrooms for each of these first, so townhouses, you said they're twenty-five hundred square feet (2,500'). How many bedrooms are we looking at in those?

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

Two (2) to three (3) bedrooms. We're not looking at large families. These are more spacious houses.

COUNCILWOMAN ZINCK

Okay, and how about at the apartments?

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

The apartments, I think the largest, we might have some three (3) bedrooms, but the majority will be one (1) and two (2).

COUNCILWOMAN ZINCK

And, patio homes? Two (2)?

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

Probably two (2) bedrooms.

COUNCILWOMAN ZINCK

One (1) to two.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

We think a lot of the patio homes actually; the second bedroom will be an office.

COUNCILWOMAN ZINCK

Okay. You kind of gave the pricing for the patio homes and the townhomes, so approximately, what are you seeing a rent being? Are they purchased apartments or are they rented?

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

No, they're definitely rentals.

COUNCILWOMAN ZINCK

So, what do you foresee as rent?

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

They'll probably be eight hundred square feet (800') to twelve hundred square feet (1,200') and if they're \$1.10 to \$1.15, you can do the math, they're nine hundred (\$900.00) to twelve hundred dollar (\$1,200.00) range. So, these aren't inexpensive apartments.

COUNCILWOMAN ZINCK

Okay, and then my other question is are you phasing these, what do you see as the first, second, and third?

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

Absolutely. *(Away from mic)*

COUNCILWOMAN ZINCK

Okay, thank you.

COUNCILMAN MULLIGAN

With the wetlands issue, are there any approvals you need through DEC from a mitigation standpoint?

PETER VARS, BME ASSOCIATES

The only permit that may be required is a permit to construct this portion of the subdivision street through the adjacent area of the wetlands. There is no proposed encroachment within the wetland proper itself. So, from a mitigation standpoint, as it relates to the buffer zone, it would just be, it's usually a 1:1 ratio. What I mean by that is however many acres of disturbance are proposed, that's the acres of mitigation, and that would be achieved through the enhancement of the storm water management areas adjacent to the wetlands. But there would be a formal permit process that would have to be required, yes.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

The majority of the development is outside (*Away from mic*)

COUNCILMAN MULLIGAN

I know if you're adjacent to it though, that's what you have to get.

PETER VARS, BME ASSOCIATES

That is correct, right, if you're within the one hundred foot (100') adjacent area, yes, that still requires a permit for activity in those areas, yes.

COUNCILMAN MULLIGAN

The utilities in the roads, will they be private or dedicated over to the municipality?

PETER VARS, BME ASSOCIATES

The intent, at this time, is actually, it's a mix. I'll walk you through that. First of all, the sanitary sewer, I'll start with that, the existing pure waters interceptor is right along the bank of the river. That would be where the sewer connection would be. It is our proposal that all portions of the development are served by public sanitary sewer. So, the districts would be formed and that all the sanitary sewer would be public sewer to be dedicated to the Town of Henrietta. The watermain system, there will be a connection made to the existing watermain along East River Road, and also a connection into the watermain that would be extended up through Graywood Meadows. That watermain will be dedicated to the Monroe County Water Authority with the exception of the portion of the watermain that serves the apartment complex. The Water Authority is very clear on their policy there that that will have to have a master reader, a backflow into the water system that serves the apartments would be a private system. That's how that would work. Storm sewers, the storm water management system would be designed for the DEC criteria. All the streets would have storm sewers associated with it to collect drainage not only from the streets, but from the units themselves, and conveyed into any number of storm water management areas that would be proposed. It would be our intent that storm sewers within the street rights-of-way would be dedicated to the Town of Henrietta. As it relates to the street system, at this time, what we are proposing is that this street coming into here that serves the thirty-one (31) proposed single-family residential lots, up through here, and up through the fee simple for sale townhouse area that that street would be a dedicated street to the Town of Henrietta. All pavement and access to the apartment buildings would be private, it would not be dedicated to the Town of Henrietta. At this time right now, it is proposed that these two (2) stretches of road that serve that portion of the duplexes, that that would be a private road system to be owned and maintained by the homeowner's association. So, the only dedicated street we're looking at is really those that serve proposed lots that would be subdivided within the project.

COUNCILMAN MULLIGAN

Are you investigating pursuing COMIDA tax abatements at this time, or not?

PETER VARS, BME ASSOCIATES

I can't answer that question.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

You know, we haven't really thought about it to tell you the truth. I'm embarrassed to say I haven't. So, at this point, we're not.

SUPERVISOR YUDELSON

I'm not sure they'd be eligible.

PETER VARS, BME ASSOCIATES

Yes, I was going to say I think it's very rare for a private residential development.

COUNCILMAN MULLIGAN

I've seen a lot of them that didn't look eligible that got funded.

PETER VARS, BME ASSOCIATES

That's true! *(Laughter)*

SUPERVISOR YUDELSON

I think there are some purchasing type things, in the purchasing of materials, some separate programs, but in the COMIDA funding, as I think you're using the term with the graduated over a ten (10) year period tax break, they would not be eligible.

PETER VARS, BME ASSOCIATES

Yes, that I can answer. There is no intent of a PILOT program or anything like that, no.

SUPERVISOR YUDELSON

Thank you. Councilman Moore?

COUNCILMAN MOORE

You mentioned the trail system through the wetland area, is that something that's going to be maintained by Mr. Summers, in going forward?

PETER VARS, BME ASSOCIATES

It would be owned and maintained by the homeowner's association, yes. That would be the intent. All of the amenities, if you want to call it that, that would be the case. Given that's conceptual with this nature, that homeowner's association may even at the time want to implement to implement benches and gazebos, whatever, as a homeowner's association has the purview to do.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN  
*(Away from mic)*

PETER VARS, BME ASSOCIATES  
But that is a permitted activity within the buffer zone.

SUPERVISOR YUDELSON  
Councilman Page?

COUNCILMAN PAGE  
Would the roof drainage be going into the storm sewer or under the ground?

PETER VARS, BME ASSOCIATES  
I only laugh, I chuckle at that because currently there is a conflict between town codes and the DEC regulations. The current DEC regulations request that all down spouts are disconnected, that they discharge onto splash blocks . . .

COUNCILMAN PAGE  
Correct.

PETER VARS, BME ASSOCIATES  
But, we, how we tend to resolve that at the time of subdivision review is we defer to the Town as to what their preference is. If they want them connected, we have them connected and so be it. But we always defer to the Town on that instance.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN  
I know, as the developer, we prefer them to not be discharging out onto the grate.

COUNCILMAN PAGE  
Well, especially with a fifty foot (50') drop, it would be tough, I understand that.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN  
We don't want to compromise basements.

COUNCILMAN PAGE  
And, you're not concerned about the patio homes with just a single entrance for emergency purposes, there's no way . . .

PETER VARS, BME ASSOCIATES  
In this area here?

COUNCILMAN PAGE  
Yes, you're okay with that?

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PETER VARS, BME ASSOCIATES

Yes, actually, we're okay with that, given the density that's here that there's forty-six (46) units proposed here.

COUNCILMAN PAGE

Forty-six (46)?

PETER VARS, BME ASSOCIATES

Yes, off a single point of access, but obviously, when we get into the subdivision review process with the Planning Board, I'm sure we'll get comments from the Fire Marshal, if that is of concern.

COUNCILMAN PAGE

We also spoke in the planning meetings about, it is permissible, I think, in a homeowner's situation to write into the homeowner's agreement that rentals to a second party may not be permissible. I ask you to check with Dutch on that. It would be a very positive step forward for some of the issues that we're dealing with. But, it's a beautiful project, I've seen it before.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

I'm sorry, how does that work, rental to a second party?

COUNCILMAN PAGE

Well, of single-family residences.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

Oh, I see.

COUNCILMAN PAGE

I'm all set.

SUPERVISOR YUDELSON

Thank you.

COUNCILWOMAN ZINCK

I have a question. I don't know, Dan, I guess this is more for you. We passed, about six (6) years ago, the rural residential south of the Thruway, which requires five (5) acre lots, how does this fit into that, A., is it compatible with that?

DANIEL MASTRELLA, TOWN ATTORNEY

Well, this isn't . . .

COUNCILMAN MOORE

This is north of the Thruway.

DANIEL MASTRELLA, TOWN ATTORNEY

. . . not part of it.

COUNCILWOMAN ZINCK

This is north of the Thruway?

DANIEL MASTRELLA, TOWN ATTORNEY

Part of it.

PETER VARS, BME ASSOCIATES

Yes. I'm sorry, yes, we are north.

COUNCILWOMAN ZINCK

Okay.

PETER VARS, BME ASSOCIATES

This is Brooks Road right here. So, the Thruway is down here. There's Farrell Road Extension, then the *(away from mic)*

COUNCILWOMAN ZINCK

Okay. That answers that.

COUNCILMAN MOORE

Because looking at the design I'm surprised you didn't try to intersect your road going out to East River Road so that if offset where Brooks Road . . .

PETER VARS, BME ASSOCIATES

The challenge with that is across from Brooks Road is the only parcel the Applicant does not own. There is, if you're familiar with that there is a residence there.

COUNCILMAN MOORE

Oh, I know there is! *(Laughter)* But to me, it would just make the whole project tie together better.

PETER VARS, BME ASSOCIATES

I agree with that.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

Well, actually we would not be opposed to buying that housing and putting the road there *(away from mic)*

COUNCILMAN MOORE

But, Brooks Road is about at the height of the hill, and I would think for site distance purposes, I'm not sure I agree with that opinion.

PETER VARS, BME ASSOCIATES

Well, and as I said, the main issue there, from the County's standpoint, is the fact that the Applicant does not have control of that parcel.

COUNCILMAN MOORE

Or, maybe someone didn't want to buy a traffic light.

PETER VARS, BME ASSOCIATES

Well, a traffic study will be done anyways and determine whether a traffic signal is required, and I feel pretty comfortable saying regardless of where that access point, the traffic on Brooks Road would not have influenced it one way or the other because of the low volumes on that road.

SUPERVISOR YUDELSON

Okay. Thank you. Is there anybody in the audience who would like to speak on this Application? *(Pause, no response)* I'm a little blocked by sign. Would you mind taking that down, so I can establish some eye contact here. I might ask you to put them back up if there's something, there you go, that one is fine, the other one, yes, thank you. Anybody wanting to speak on this Application? *(Pause, no response)* Mr. Mastrella, we talked a little bit at Workshop on the process after the Public Hearing, other processes that would have to go, I know, as you're well aware, with a tentative approval down the road that you still have the whole planning Board process and some of the issues that you're being asked just a little bit about tonight would be a much more involved discussion at that level, but Mr. Mastrella, if you'd just talk about the other aspects of it, as it relates to the Town Board, because we will have to come back at a subsequent meeting to consider this.

DANIEL MASTRELLA, TOWN ATTORNEY

It's my understanding that we are still awaiting some responses from other potential interested or involved agencies on our desire to serve as Lead Agency. So, we wouldn't be in a position to declare the Town Board to be Lead Agency, and therefore, wouldn't be in a position to make a SEQRA Finding and so you can't take any action on it at this time. Depending on how the Applicant wants to pursue these Special Permits, I think that we can accommodate everything else, if everything else is in order that we can accommodate the Special Permit Application to proceed prior to the actual rezoning being voted, but then act on the Special Permits after the rezoning being voted and that could potentially be done at the same meeting. By that point in time, and that's all presuming that the Board is in a position to declare itself Lead Agency. So, I'll leave that to the Applicant and Mr. Ekwel to figure out.

SUPERVISOR YUDELSON

And that was exactly what I just wanted you to layout. We know that we still have some information that could potentially be coming to us that affects that process and I think the Applicant is well aware of that, but I just wanted, for everyone else that's here, for you to describe that. So, thank you, Mr. Mastrella. Is there anything else that you would want to present at this time?

PETER VARS, BME ASSOCIATES

No, we have nothing to add.

SUPERVISOR YUDELSON

Okay. Any other questions from the Board?

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, can you point again where the old Kodak research and training center is.

PETER VARS, BME ASSOCIATES

Actually, it does show a little bit better on this aerial. It is up in this area here. Here is the access drive. There are some maintenance buildings here. This is a large parking area, and the structure is right about there is where that is, as all of us know the Riverwood building.

COUNCILMAN MULLIGAN

Mr. Summers owns that, too?

PETER VARS, BME ASSOCIATES

He does not. He does not own that parcel.

COUNCILMAN PAGE

Through you, Mr. Supervisor, Peter, if it's at all possible, at least for the top two (2) sections, the patio homes and the apartments, if there's any way that we can connect the gutters from the roof directly to the storm sewer system, I really, given the drop in elevation and the sensitivity of the wetlands, that really would be the best. This is sort of a special situation.

PETER VARS, BME ASSOCIATES

Sure.

COUNCILMAN PAGE

Thank you.

SUPERVISOR YUDELSON

Okay and no one wanted to speak on it. At this point, Mr. Mastrella, we always ask for your guidance on the right procedural step to take, should the Board want to consider something further, or just to enable us to be able to move forward.

DANIEL MASTRELLA, TOWN ATTORNEY

I think that you should continue the Public Hearing because you're still waiting for input from other interested or involved agencies.

SUPERVISOR YUDELSON

Okay. By motion . . .

DANIEL MASTRELLA, TOWN ATTORNEY

You could just do it, actually. Unless someone wants to introduce something else.

SUPERVISOR YUDELSON

Okay, it would be less for the Clerk to type. So, that's exactly what we will do. We will continue this Public Hearing and then be in touch with you about any other information. We appreciate the presentation.

PETER VARS, BME ASSOCIATES

Great. Thank you, for your time this evening.

SUPERVISOR YUDELSON

We'll give you a second.

*(Brief intermission)*

SUPERVISOR YUDELSON

Thank you, very much, and we'll continue. At this point, I'll just note, for the Record right now, we did close the Special Permit meeting previously, and the Applicant that was not present at the time is here now, so at the end of this meeting we will be hearing that one (1) Special Permit Application, but we'll go through the rest of our Agenda for the regular Board meeting first, and that will give Mr. Mastrella time to advise me on whether we're going to end this meeting and then reopen the Special Permit meeting, or vice versa. We'll consider that when we get to that point. So, at this point, may I have the first Resolution, please?

RESOLUTION #9-97/2012

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Page

TB April 18, 2012

BE IT RESOLVED, that the Supervisor or his designee be authorized to pay the following bills payable:

EXHIBIT A                      Bills Payable dated 4/18/2012                      \$ 125,373.79

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #9-98/2012

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, Henrietta Holdings, LLC, heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the assessments for the years 2010 and 2011 for premises located at 3150 West Henrietta Road in the Town of Henrietta, being Tax Account Number 161.08-1-6, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, a tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Henrietta Holdings, LLC, for the years 2010 and 2011 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the

TB April 18, 2012

Town of Henrietta be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Henrietta to reflect the terms of such settlement.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-99/2012

On Motion of  
Councilman Moore

Seconded by  
Councilman Mulligan

WHEREAS, the Safety Coordinator has requested authorization to attend the Annual PERMA Safety Conference at the Sagamore Hotel in Bolton Landing, New York on May 24, 2012 through May 25, 2012, and

WHEREAS, funds are available in the year 2012 Budget, and

WHEREAS, PERMA covers the cost of meals and lodging for one (1) employee of the Town, and

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

THEREFORE, BE IT RESOLVED, that Dean C. Marshall, Jr., Safety Coordinator, be hereby authorized to attend the two (2) day Annual PERMA Safety Conference at a cost not to exceed \$120.00, to include New York State Thruway tolls and the use of a Town vehicle.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Supervisor or his designee for reimbursement.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

How old is that vehicle?

COUNCILWOMAN ZINCK

It's new!

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-100/2012

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Moore

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

THEREFORE, BE IT RESOLVED, that the surplus equipment, as attached, be consigned to the Teitsworth Municipal Auction, to be held on May 1, 2012, in Rochester, New York.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-101/2012

On Motion of  
Councilman Page

Seconded by  
Councilman Moore

WHEREAS, the Town of Henrietta has previously leased a portion of land located at 1345 Martin Road, known as Martin Road Park, to Willard Farms for farming purposes, and

WHEREAS, Willard Farms will no longer be renting this land, and

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

WHEREAS, George Paul Miller of Miller Farms, 2309 Pinnacle Road, Rush, New York 14543, wishes to rent said land and enter into a Lease Agreement with the Town for a period of one (1) year, from May 18, 2012 through May 18, 2013, for thirty (30) acres of tillable land at \$45.00 per acre, amounting to an annual rent of \$1,350.00, and

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

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

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #9-102/2012

On Motion of  
Councilman Page

Seconded by  
Councilwoman Zinck

BE IT RESOLVED, that the following person be hired:

Joe Freeze	Parks Department, Seasonal Laborer @ \$8.25/hr., effective 4/23/2012.
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BE IT FURTHER RESOLVED, that the following employee changes be made:

Barbara Bresnan	Parks, From Grounds Equipment Operator @ \$14.74/hr., to Maintenance Mechanic III @ \$17.35/hr., effective 4/16/2012.
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- (Attained 1600+ out-of-title hours & passed CDL Class B drivers' test, per Collective Bargaining Agreement.)

Mitchell Wright	From Highway P.T. On-call at \$ 8.75/hr. to Sewer, Seasonal Laborer @ \$9.00/hr., effective
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4/23/2012.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

That is the end of the regular Agenda for the Town Board meeting. Before we adjourn, and before we hear the remaining Special Permit Application, is there anybody who would like to speak on any matters involving the Town of Henrietta? Any other item?  
*(Pause, no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Mulligan, seconded by Councilwoman Zinck at 7:55 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case  
Interim Town Clerk