

**HENRIETTA TOWN BOARD  
AGENDA  
MARCH 2, 2005**

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) - February 16, 2005
  6. Miscellaneous Communications
  7. Public Hearing:
    - Proposed Establishment of Extension No. 187 (Residence Inn) to Henrietta Sewer District No. 1
  8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
  9. Reports of Standing Committees and Actions Thereon
  10. Reports of Special Committees
- Public Comment  
Adjournment

RESOLUTION #6-82/2005  
Authorize Accounts Payable

RESOLUTION #6-83/2005  
Call for Public Hearing - Proposed Amendments to the Town Code of the Town of Henrietta, Chapter 295, "Zoning", as follows:

(A) ARTICLE II, §295-2(B) "Word Usage and Definitions" to Add "Storage Sheds" and ARTICLE V, §295-6 A(9) "Residential Districts Permitted Uses" to Add "Storage Sheds"

(B) ARTICLE V, §295-10(A) "Minimum Building Size" to Amend Building Size of Second Story of a Two-Story Building

(C) ARTICLE XI, §295-43(F) "Off Street Parking" to Amend Minimum Aisle Width of Parking Areas and Minimum Width and Length of Parking Spaces

RESOLUTION #6-84/2005  
Authorize Reappointment of Temporary Board of Assessment Review Members

RESOLUTION #6-85/2005  
Authorize Compensation for Board of Assessment Review Members

RESOLUTION #6-86/2005

Award Low Quote - Televising Existing Sanitary Sewers at Various Locations in the Town of Henrietta

RESOLUTION #6-87/2005

Authorize Supervisor to Sign Abandonment of Easement - Paychex, Inc. -1175 John Street - Tax Identification #174.02-1-30

RESOLUTION #6-88/2005

Authorize Supervisor to Sign Abandonment of Easement - Paychex, Inc. -1175 John Street - Tax Identification #174.02-1-25.11

RESOLUTION #6-89/2005

Authorize Supervisor to Sign Abandonment of Easement - Wal Mart -1200 Marketplace Drive and Sam's Club -1600 Marketplace Drive

RESOLUTION #6-90/2005

Authorize Establishment of Extension No. 187 (Residence Inn) to Henrietta Sewer District No. 1

RESOLUTION #6-91/2005

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 2<sup>ND</sup> DAY OF MARCH, 2005 AT 8:00 P.M.

**MEMBERS PRESENT**

Supervisor James R. Breese  
Councilwoman Catherine A. McCabe  
Councilman Michael B. Yudelson  
Councilwoman Janet B. Zinck  
Daniel J. Mastrella, Town Attorney  
Patricia J. Shaffer, Town Clerk

**MEMBERS ABSENT**

Councilman William J. Mulligan, Jr.

**SUPERVISOR BREESE**

You want to speak on any items that are on the Agenda, folks? Mr. Schmitt, do you want to speak on anything that is on the Agenda? (*Response from audience, Aho, thank you@*). Okay, fine. May I have the approval of the Minutes, please.

**COUNCILWOMAN McCABE**

Mr. Supervisor, I move we approve the Minutes of February 16, 2005.

**COUNCILMAN YUDELSON**

Second.

**SUPERVISOR BREESE**

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

**SUPERVISOR BREESE**

We have a Public Hearing tonight. Has this been properly advertised?

**PATRICIA SHAFFER, TOWN CLERK**

Yes, Sir.

**SUPERVISOR BREESE**

Establishment of Extension No.187, Residence Inn, to Henrietta Sewer District No. 1. Would anyone like to speak on this? (*Pause, no response*). I=ll close the Hearing. May I have the first Resolution, please.

RESOLUTION #6-82/2005

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

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

EXHIBIT A	Bills Payable dated 3/2/2005	\$ 195,121.08
EXHIBIT B	Manual Bills Payable	\$ 270.72

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #6-83/2005

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

WHEREAS, the Town Board of the Town of Henrietta, New York (the ATown@) has had under consideration allowing Henrietta residents who wish to erect Storage Sheds within the side and rear setbacks of residential property the ability to do so, with some restrictions, without the necessity of obtaining an Area Variance, and

WHEREAS, the Town has had under consideration the reduction of the minimum building size of the second story of a two-story building in a residential area, and

WHEREAS, the Town has had under consideration the expansion of the minimum aisle width of parking areas and the reduction of the minimum width and length of parking spaces in off-street parking, and

WHEREAS, the Town has had under consideration the amendment of the Zoning Ordinance of the Town of Henrietta, dated July 19, 1978, as amended, by the adoption of all or part of the following language through Exhibit AA@, as attached, and

WHEREAS, it is now desired to call a Public Hearing on said proposed amendments to the Zoning Ordinance of the Town of Henrietta, pursuant to Town Law, Section 265.

THEREFORE, BE IT RESOLVED, that a meeting of the Town Board of the Town of Henrietta shall be held at the Henrietta Town Hall, 475 Calkins Road, in the Town of Henrietta, Monroe County, New York on the 6<sup>th</sup> day of April, 2005 at 8:00 P.M., for the purpose of conducting a Public Hearing on the proposed amendments to the Zoning Ordinance of the Town of Henrietta, as described in Exhibit AA@.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to cause a notice of said Public Hearing to be published in the Henrietta Post, the Official Newspaper of the Town, and posted in the manner prescribed by law.

## EXHIBIT A

### RESOLUTION #6-83/2005

ARTICLE II, Section 295-2, Subsection B A STORAGE SHED@ of said Ordinance to be added immediately following APARKING SPACE@ and immediately preceding ASTRUCTURE@, as follows:

STORAGE SHED - A single story structure that:

- (1) Is not insulated;
- (2) Possesses no plumbing fixtures;
- (3) Has a footprint of no more than 150 square feet; and
- (4) Is used as an accessory structure for storage purposes only.

ARTICLE V, Section 295-6, Subsection A(9) of said Ordinance to be added immediately following Subsection A(8), as follows:

- (9) Storage sheds provided that each shall have a minimum side yard and rear setback of four (4) feet. Notwithstanding the foregoing, no storage shed shall be erected within the required side yard on the street side of a corner lot, as referred to at Section 295-9 B(2).

ARTICLE V, Section 295-10, Subsection A of said Ordinance to be amended, as follows:

- A. No single-family residential dwelling shall contain a square foot area less than that which is indicated in the following chart. In determining such area, the measurements shall be made along the exterior of the main foundation walls of one-story ranch, one-and-one half story and two-story dwellings. Raised Ranch A and B dwellings shall be the sum of the length and width of the floor above grade, and Split-Level A and B dwellings shall be the sum of the total habitable floor area on each level. These measurements shall exclude any portion thereof occupied by a porch or areaway and any area occupied by a garage attached to or forming a part of such building.

Dwelling Type	Minimum Area (square feet)		
	R-1-20 District	R-1-15 District	R-2-15 District
One-Story Ranch	1,400	1,040	810
Raised Ranch A	1,200	850	672
Raised Ranch B	1,400	1,040	810
One-and-One Half Story (First floor only)	1,200	850	672
Split Level A	1,200	850	672
Split Level B	1,400	1,040	810
Two-story (first floor)	1,000	660	480
(second story)	600	264	192
(total building)	2,000	1,320	960

ARTICLE XI, Section 295-43, Subsection (F) of said Ordinance to be amended, as follows:

- F. Parking areas shall have a minimum aisle width of fifteen (15) feet for one-way traffic and twenty-four (24) feet for two-way traffic. The minimum parking space shall be nine (9) feet in width and eighteen (18) feet in length for ninety-sixty-and forty-five-degree parking or ten (10) feet in width and twenty (20) feet in length for parking parallel to the aisle.

**SUPERVISOR BREESE**

Just for the Record, this matter was brought to the Town Board as a recommendation from the Zoning Board. Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

**RESOLUTION #6-84/2005**

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

WHEREAS, the need exists on the Board of Assessment Review for temporary Board Members, and such temporary appointments are allowable under Real Property Tax Law ' 523-a, and

WHEREAS, the Town Board wishes to maintain the various Boards of the Town at sufficient levels, and

WHEREAS, the following individuals are qualified residents and have expressed an interest in being reappointed to this Board.

THEREFORE, BE IT RESOLVED, that the following individuals are hereby reappointed to fill said need on the Board of Assessment Review effective March 1, 2005 and expiring on March 1, 2006:

Lucille Ammenheuser, 35 Horseshoe Lane South, Henrietta, New York 14467  
Victor Raycroft, 144 Shady Creek Road, Rochester, New York 14623

BE IT FURTHER RESOLVED, that all temporary Board Members are to be compensated at the rate of \$15.00 per hour for time actually served in Hearings and Deliberations, and that properly prepared vouchers be submitted to the Finance Department for reimbursement.

#### SUPERVISOR BREESE

Just for the Record, this year won't be as active as last year was, so, we're not really sure how much work we will have for these particular individuals. We will have some, but it is a much less intense year than last year was. Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

#### RESOLUTION #6-85/2005

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

WHEREAS, the annual Hearings of the Board of Assessment Review will involve numerous meetings as the individual members are able to participate, and

WHEREAS, the Town Board wishes to appropriately recognize the significant time commitments necessary of the Board of Assessment Review.

THEREFORE, BE IT RESOLVED, that all regular Board of Assessment Review Members are to be compensated at the rate of \$20.00 per hour for time actually served in Hearings and Deliberations, and that properly prepared vouchers be submitted to the Finance Department for reimbursement.

SUPERVISOR BREESE  
Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

#### RESOLUTION #6-86/2005

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

WHEREAS, the 2005 Sewer Budget provides funds for televising existing sanitary sewers for future Capital Improvement Projects, and

WHEREAS, the Town of Henrietta has requested quotes from qualified contractors for televising existing sanitary sewers at various locations to evaluate problem areas in the sewer system, and

WHEREAS, three (3) quotes were received, and the low quote, meeting specifications, was received from National Vacuum Corporation for a total cost of \$21,574.80.

THEREFORE, BE IT RESOLVED, that National Vacuum Corporation, 4870 Packard Road, Niagara Falls, New York 14304, be hereby authorized to provide sewer televising services at various locations in the eastern Town quadrant for an amount not to exceed \$21,574.80.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay said contractor upon successful completion of the Project and acceptance by the Director of Engineering and Planning.

SUPERVISOR BREESE  
Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #6-87/2005

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

WHEREAS, the Owner, Paychex, Inc. will be constructing an addition to the North of the existing building located at 1175 John Street, and

WHEREAS, the construction of said Project will not require the need for the existing watermain easement recorded in Liber 8553 of Deeds, Page 581, on said parcel being identified as Tax Identification No. 174.02-1-30, 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 BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #6-88/2005

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

WHEREAS, the Owner, Paychex, Inc. will be constructing an addition to the North side of the existing building located at 1175 John Street, and

WHEREAS, the construction of said Project will not require the need for the existing watermain, sanitary sewer, and drainage easement recorded in Liber 8553 of Deeds, Page 576, on said parcel being identified as Tax Identification No. 174.02-1-25.11, 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 BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #6-89/2005

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

WHEREAS, the Owners, Wal-Mart Real Estates Business Trust and Sam=s Real Estate Business Trust have constructed road improvements under the additions to the Wal-Mart Building located at 1200 Marketplace Drive and Sam=s Club Building located at 1600 Marketplace Drive, currently occupying the existing Town watermain, sanitary sewer and drainage easement, recorded in Liber 7993 of Deeds, Page 117, and

WHEREAS, in order to construct said Projects, modifications to existing Town utilities and road had to be constructed on said parcels being identified as Tax Identification Nos. 162.13-1-43.111 and 161.16-1-4.1, respectively, and

WHEREAS, the Owners have secured and provided a watermain easement for the watermain to enable the dedication to the Town, and

WHEREAS, this 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 BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #6-90/2005

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 187 (RESIDENCE INN) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED AT 1300 JEFFERSON ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

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RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 187 (RESIDENCE INN) TO HENRIETTA SEWER DISTRICT NO. 1

WHEREAS, a written petition for the establishment of an extension to Henrietta Sewer District No. 1 in the Town of Henrietta, County of Monroe, New York to be known as Extension No. 187 (Residence Inn) of said Sewer District was duly presented to this Town Board, together with the necessary map and plan attached thereto, and

WHEREAS, pursuant to an Order, a Public Hearing was held on the petition and the findings as specified on Exhibit AA@ were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 187 to the said Sewer District as proposed in said petition be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provide for; and that such extension shall be designated and known as Extension No. 187 to Henrietta Sewer District No. 1 and shall be bounded and described in attachments annexed hereto.

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

**EXHIBIT A**

**RESOLUTION #6-90/2005**

In the matter of the Petition for the Establishment of Extension No. 187 (Residence Inn) to the Henrietta Sewer District No. 1 in the Town of Henrietta, County of Monroe and State of New York, the Town Board makes the following Findings on the 2<sup>nd</sup> day of March, 2005.

- Finding #1: An Order was duly adopted by the Town Board on February 2, 2005 reciting the filing of said Petition, the improvements proposed, the boundaries of the proposed extension, and that the entire cost of the improvement is to be paid by the Petitioner and specifying March 2, 2005 at 8:00 P.M. of that day as the time and the Town Hall in the said Town as the place where the said Board would meet to consider the Petition and to hear all persons interested in the subject thereof concerning the same.
  
- Finding #2: Such Order was duly posted and published as required by law.
  
- Finding #3: A Hearing in the matter was duly held by the Board on the 2<sup>nd</sup> day of March, 2005 commencing at 8:00 P.M. at the Town Hall in said Town and proof having been presented concerning such posting and publication and discussion upon the matter having been had and all persons desiring to be heard in favor of or opposed to the establishment of the proposed extension, having been heard.
  
- Finding #4: That (a) the Petition is signed and acknowledged or approved as required by law, and it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers and with respect to the boundaries of the proposed extension as herein approved and it is otherwise sufficient; (b) all of the property owners with the proposed extension are benefitted thereby; (c) all of the property owners benefitted are included within the limits of the proposed extension, and (d) it is in the public interest to grant in whole the relief sought.
  
- Finding #5: That the proposed improvement, including cost of rights-of-way, if any, construction costs, legal fees, and all other expenses shall be paid by the Petitioner.
  
- Finding #6: That the payment for operation and maintenance hereby are to be derived from assessments levied on benefitted real property in said extension.

**SUPERVISOR BREESE**

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe    voting            Aye

Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye
Carried		

RESOLUTION #6-91/2005

On Motion of Councilwoman Zinck	Seconded by Councilman Yudelson
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BE IT RESOLVED, that the following person be hired:

Renee Vogt	Recreation, Part-time Recreation Assistant @ \$6.25/hr., effective 2/20/2005.
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BE IT FURTHER RESOLVED, that the following employee change be made:

Mary Beth Recore	Recreation, Part-time Recreation Assistant @ \$7.75/hr. from \$7.25/hr., effective 2/20/2005.
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SUPERVISOR BREESE  
Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye
Carried		

SUPERVISOR BREESE  
That=s the end of the regular meeting. Before we adjourn, is there anybody who would like to speak on any other items involving the Town of Henrietta? (*Pause - no response*).

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 8:12 P.M. and passed unanimously.

Respectfully submitted,

Patricia Shaffer  
Town Clerk