

**HENRIETTA TOWN BOARD
AGENDA
JUNE 6, 2007**

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): May 16, 2007
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Rezoning/Special Permit for Parcel of Land Located on Lehigh Station Road - Lehigh Seniors Property, 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 #12-133/2007
Authorize Accounts Payable

RESOLUTION #12-134/2007
Authorize Termination of Intermunicipal Agreement - Town of Rush - Building Inspector/Fire Marshal Services

RESOLUTION #12-135/2007
Authorization to Attend Appraisal Conference

RESOLUTION #12-136/2007
Award Low Bid - Hanson Circle Culvert Replacement Project

RESOLUTION #12-137/2007
Accept Dedication of Storm Water Retention Facility - Harvest Hills Subdivision, Section Three (3)

RESOLUTION #12-138/2007
Accept Dedication of Watermains and Sanitary Sewers - Harvest Hills Subdivision, Section Four (4)

RESOLUTION #12-139/2007
Accept Dedication of Roadways and Storm Sewers - Harvest Hills Subdivision, Section Four (4)

RESOLUTION #12-140/2007

Accept Dedication of Sanitary Sewers - Harvest Hills Subdivision, Section Five
(5)

RESOLUTION #12-141/2007

Authorize Independent Consultant Inspection Services - Perry M. Brown

RESOLUTION #12-142/2007

Authorize Rate Increase for Independent Consultant Inspectors

RESOLUTION #12-143/2007

Authorize Budget Transfers - Library

RESOLUTION #12-144/2007

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 6TH DAY OF JUNE, 2007 AT 8:00 P.M.

MEMBERS PRESENT

MEMBERS ABSENT

Supervisor James R. Breese
Councilwoman Catherine A. McCabe
Councilman William J. Mulligan, Jr.
Councilman Michael B. Yudelson
Councilwoman Janet B. Zinck
Daniel J. Mastrella, Town Attorney
Patricia J. Shaffer, Town Clerk
Leann C. Long, Deputy Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR BREESE

Is there anybody that would like to speak on just agenda items now, not the Public Hearing, I'll call that separately. Just the regular Agenda items. Is there anybody who would like to talk about anything on the agenda? *(Pause - no response)* Can I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

I move we approve the Minutes of May 16, 2007.

COUNCILMAN YUDELSON

Second.

SUPERVISOR BREESE

Discussion? Call the roll.

Duly put to a vote:

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

Carried

SUPERVISOR BREESE

We have a Public Hearing tonight on the proposed rezoning and Special Permit for a parcel of land located on Lehigh Station Road. Has that been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

Thank you. Before I call the Applicant in to give us a summary of this Application, I'd like to talk about an issue that I know has come up, in terms of the access onto Florendin Drive, one of my favorite streets in Henrietta. I have a lot of friends who live in that area, oh yeah, yes I do, and when I talked to the developer about this issue of the curb cut onto Florendin, I certainly raised the concern about all that traffic going onto Florendin, why should it go there, that's a Town residential street. So I expressed my concern to the developer several weeks ago, and he said he would think about that, he didn't want that to be a distraction to the whole Project, and I think because of that concern I received a letter today from Lehigh Park Associates, "Dear Mr. Breese and members of the Town Board: Regarding the rezoning of the above referenced development. We have made the determination to eliminate the connection road from our property and Florendin entirely. Our traffic report does not warrant the access, and the Town Engineer is not requiring it for safety reasons. Notwithstanding this one (1) modification, the plans and Application as submitted shall remain the same." So the access onto Florendin is a dead issue, okay, for those of you who had a concern about that as I do, as I think the whole Board does. So, I think the developer has been responsive to our concerns about the access onto Florendin, there may be other issues with the Application but the access is no longer an issue, okay? And, I hope that helps make you feel better about it. At this time I'd like to ask the developer's representative to come up and present your proposal.

FRANK HAGELBERG, ESQ.

Thank you, Mr. Supervisor, members of the Board. My name is Frank Hegelberg, I am council to Lehigh Seniors Property, LLC. With me this evening are Anthony DiMarzo and Christopher DiMarzo, the principals of the developer, as well as Donald Nims of Bergmann Associates who is the Project Engineer. You gave away the punch line Mr. Supervisor, but, we want to reiterate that and I'll touch on that briefly. This is an Application for both the rezoning and Special Permit to permit the use of an 18.5 acre parcel on the north side of Lehigh Station Road as market rate apartments. While the Town Board has jurisdiction over both the rezoning and the Special Permit, we understand that site plan approval will be required from the Planning Board and we expect that, many issues concerning the development such as landscaping and traffic will be handled at that stage, at the approval process, as well. The background is that earlier this year, as a matter of fact on the first (1st) day of January, the Town Board approved a Special Permit authorizing a one hundred and twenty-eight (128) unit apartment development on the former Autumn Woods Property, those units will be arranged in sixteen (16) two-story buildings containing eight (8) units each. The approved development also included a community area containing a fitness center,

meeting space, and a swimming pool, the rental rates will be approximately eight hundred and fifty (\$850.00) to nine hundred and fifty (\$950.00) dollars per month for a one (1) bedroom unit and nine hundred fifty (\$950.00) to a thousand fifty (\$1050.00) per month, for a two (2) bedroom unit. We believe that's an appropriate market rate for what we are going to build, which are very lovely apartments. At the time the approval was granted, and during the approval process we were asked about the property to the east, owned by the Chu family. Mr. and Mrs. Chu are here this evening in the audience. We told the Board at that time that while we were interested in exploring an expanded Project, which would incorporate the Chu property, we hadn't reached agreement on the purchase of that property, so it wouldn't be appropriate to start making plans for land that we didn't own. That situation has not changed, the Chu property is under contract to be sold to the developer, accordingly we're now proposing a Project that incorporates both the former Autumn Woods site, which was already approved as well as the additional Chu property. I think it's also important to note that while we didn't talk about the Chu property formally during that Application, there was significant public comment at the time and there was another crowd at that Board and there was comment both on and off the Record expressing concern over a possible connection between the expanded Project and Florendin Drive. We did look at that, we looked at it as providing a second means of access to Lehigh Station Road and what we did was, we commissioned a traffic engineering study, through Bergmann Associates to take a look at the situation because we're pretty good at building homes, but we're not traffic engineers and so, we went to the experts on that. We were also approached by Mr. Byrne, the Town Engineer, we were approached as the Supervisor said, by the Supervisor, we were also approached by Councilman Yudelson, we were also approached by several neighbors, each of whom asked us to see if the Project could be designed without the need for access over Florendin. We received the traffic engineering study last week. It shows quite clearly, that the single entrance from the former Autumn Woods property will serve the entire expanded Project. It's entirely adequate all by itself, and therefore, it's not necessary to route traffic from the Project over Florendin in order to provide the additional access onto Lehigh Station, the single entrance in, we're also providing a crash gate for emergency access from the Calkins Woods, the Calkins Office Project. But the vehicular access, the single access to Lehigh Station, according to the traffic study, will be quite adequate all by itself and accordingly the plan that you see, which differs from the, from the drawing that was submitted with the Application eliminates, as the Supervisor noted, eliminates that additional access. So that brings us to where we are right now and we're looking for two (2) approvals tonight, three (3) including SEQRA, the first is the rezoning. The rezoning's needed because the Chu property is presently zoned R-1-15, and multiple dwellings are permitted only in R-2-15 districts subject to the issuance of the Special Permit. We believe the rezoning is appropriate for two (2) reasons, and those reasons are very closely aligned to what we think justifies the Special Use Permit as well. First, the expanded Project will promote diverse, high quality, housing opportunities within the Town of Henrietta. We think our market will be mature adults, seniors who are downsizing their living arrangements, but want to stay in the community where they've lived, where they worship, where they shop, where their friends are, where their

relatives may be, as well as singles and couples who are not yet ready to own their own homes. We think those groups will find this an attractive lifestyle choice. Second, we think the expanded Project will provide an appropriate buffer between otherwise incompatible land uses, specifically, the single family Residential properties to the east, and the Commercial, Industrial uses to the west, including the 390 Interchange. Our experience indicates that building single family houses on the Chu property would either be too small or too expensive to be marketable, so we believe that expanding the apartment Project is entirely appropriate and I think it's worthwhile noting, particularly in the context of rezoning, that each of the two (2) objectives providing the variety of land uses and providing a buffer between conflicting uses, were identified in the Town's Comprehensive Land Use Plan in 2003, and the courts have said that the validity of a zoning change is measured by the extent to which it's consistent with the municipality stated growth and development goals, and whether the community will benefit from the zoning amendment. We believe this proposal meets both of those tests. Moving to the Special Permit, because we've got this, this uh, dual Application here to make it all spell mother. I submitted a letter to the Board, dated April thirty (30), that explained the way the proposal meets each of the requirements of the multiple dwelling ordinance, the good news is I won't go through each of those standards tonight, but let me highlight what I think are the three (3) most important features of this proposal within the multiple dwelling Ordinance. First, the expanded Project provides over three (3) times the minimum required lot area, in fact, while the density of the approved Project on the former Autumn Woods property that was approved in January, was 11.6 units per acre, the density of the combined expanded Project drops to about 7.5 units per acre. It's much, much lower density, and I know, Mr. Mulligan, you had concerns at the time over the density of the original approved Project on the, the density of the expanded Project is lower because the density of the development on the Chu property is appreciably lower. So, that's the first major element in the Ordinance addresses what your density is. Second, the sizes of the apartments far exceed the minimums in the Ordinance. I think that's important, there was, there was some, reaction when I mentioned the rents, the rents are dictated by the size of the apartments and all of that is dictated by the market that we're aiming for. We're not looking to provide a cheap place to live, we're looking to provide a nice place to live with apartments of a size and at a price that we think will attract responsible citizens, the kind of citizens that people would like to see in the Town of Henrietta. Third, all of the setback requirements will be met without the need for variances and those are front and side yard setbacks, and setbacks regarding the space between buildings, and the space between the buildings and the property lines and so forth. So, we don't have to, we're not looking to go to the Zoning Board to scrunch buildings in here by asking for setback variances as, and that ties in to the lower density that we're, that we're proposing. My letter also addresses all of the Town's Special Permit requirements. Let me address two (2) of what I think are the most relevant issues there. The ordinance talks about the orderly development and character of the neighborhood and harmony of the existing and probable future development of the neighborhood. As I mentioned, the transition from Commercial and Industrial to single family, addresses the standard by putting a high quality, multi-family development in between. Second, the Ordinance asks the Board to consider whether

the use will create hazards or dangers to the public, or to persons in the vicinity from, and here it comes," fire explosion, electricity, radiation, traffic congestion, parking of automobiles, or other causes". I'm not real worried about explosion but let me talk a moment about traffic. I told you about our traffic engineering study and the most important conclusion that we drew from that, which had to do with Florendin Drive, but the traffic study also showed us two (2) other things. First, that based on the design capacity and the existing and Projected conditions on Lehigh Station Road, they'll be no degradation of service on Lehigh Station Road. Mr. Nims can explain the intricacies of the traffic study better than I can, but, and while a little knowledge may be a dangerous thing, traffic studies determine what the level of service is on a roadway, as many of you know, Lehigh Station is at about one third (1/3) of its design capacity, even at peak hours . . . (*Laughter from the audience*) . . . and design capacity is a technical term that traffic engineers use and that's what we have to go by, certainly I'm not discounting the possibility, that people are finding it at peak hours that they have to wait, in order to exit from Florendin, for instance, onto Lehigh Station. Our traffic study indicates that the impact of the proposal that we're talking about, will change a sixteen (16) second wait exiting Florendin, peak hour, to make a left turn, to a seventeen point four (17.4) second wait, an increase of one point four (1.4) seconds. Now, statistics are statistics, traffic engineering analysis is traffic engineering analysis, but you'll probably hear lots of people come up with their experiences and anecdotal impressions, we wouldn't be, it wouldn't be appropriate for us, to come and say our anecdotal impression is, that it's this, that, or the other thing, and that's why we pay Mr. Nims and his company what we pay him, in order to do traffic engineering study. Studies that you are all familiar with. The other thing that the traffic study told us, is that for purposes of our entrance, that no other turning lanes or traffic control devices would be warranted, and I use the word warranted in it's loaded meaning because in order for a traffic control device or turning lanes or things like that to be authorized the State Department of Transportation looks at those traffic counts and comes up with a system of what it calls warrants in order to determine whether traffic control devices are warranted, and our analysis based on actual traffic counts, we have guys out there counting the number of cars going in various directions, both at Florendin, and at other intersections in the area, indicated that is not warranted. Long story short, even if we ask D.O.T. to install those traffic control devices since it's their jurisdiction, the answer would likely be no because the warrants are not there. Finally, let me talk about the environmental considerations, we're aware of a wetland area in the north end of the Chu property as well as the drainage course running north from Lehigh Station Road, near the east boundary of the Chu property. We've taken both of those conditions, into account in designing the property, and designing the Project. Less than one (1) half of one (1) acre of wetland will be disturbed by this development, the balance of the wetland area will be included as part of a six (6) acre parcel at the north end of the Project, which we propose to dedicate to the Town of Henrietta, for both the park, and wetland preservation purposes, the drainage area will also be accounted for, and will not be disturbed and will not create any adverse conditions. That's as far as I dare to go, if there are specific questions, those should be directed to Mr. Nims. In conclusion, this Board earlier this year indicated that it agreed with our goals for the former Autumn Woods property when

it granted that Special Permit, and at that time, we were not in a position to talk about the Chu property because negotiations to acquire that property had barely begun, that situation has changed, we're now in a position to show you for the first time, a Project that while containing more units, actually lowers the per acre density and also includes a grant of park land and wetland preservation areas to the Town. Happily, the traffic engineering study told us what we hoped it would, that Florendin Drive wouldn't have to be used to make the Project viable. We're happy to be able to tell you that, we think you're happy to hear it, and we hope that that will allay the concerns of many of our future neighbors and for all those reasons we'd ask that the Negative Declaration be issued under SEQRA, and that the rezoning and the Special Permit be approved. Mr. DiMarzo and Mr. Nims would be happy to answer any questions you may have, as would I. I'd like to thank you again for your time and consideration.

SUPERVISOR BREESE

Yes, I have a couple of questions, thank you. The ill-fated Autumn Woods Project was a neighborhood eyesore for many, many years, and I think the Board Members were pleased when your client came in and acquired that property, because your client has a reputation for being able to start a Project and finish a Project, and has a financial where with all to do that. Which as it turned out, Autumn Woods didn't, and that was a senior center, senior citizen kind of a Project, at the time, Autumn Woods, that for whatever reason, it didn't work so you came and acquired this property and I think we were very happy about that, because we were sick of looking at it, and the neighbors were even sicker of looking at it, it was a disgrace. So, one (1) question I would have, among several others is that, if you didn't get approval for this addition to that Project, you already have approval for the one hundred and twenty-eight (128) units, I presume you would still go forward with that, is that correct?

FRANK HAGELBERG, ESQ.

Yes, that's correct.

SUPERVISOR BREESE

Okay. Now, are there any subsidies involved in these apartments? Any kind of subsidized stuff going on there, because . . . no?

FRANK HAGELBERG, ESQ.

No, Sir.

SUPERVISOR BREESE

. . . because we had another developer that wanted to come in and he was going to rely on subsidies and we were not that thrilled with subsidized housing . . .

FRANK HAGELBERG, ESQ.

Neither are we.

SUPERVISOR BREESE

. . . in that area, okay. So, you're not involved with subsidies? It's market rate? Is that correct?

FRANK HAGELBERG, ESQ.

It's market rate, our experience with subsidies is that, and we have some, but they are, they're difficult to manage, they're difficult to maintain, they're difficult to get paid sometimes, and that's simply not the plan for this Project.

SUPERVISOR BREESE

That's good. And finally, the property is zoned R-1-15, is it realistic to expect that this developer, or any developer, could build in that area under R-1-15 designation?

FRANK HAGELBERG, ESQ.

I can't speak for any developer, this developer . . .

SUPERVISOR BREESE

Well, speak for yours then.

FRANK HAGELBERG, ESQ.

. . . would not be interested in developing it for single family, as I indicated, the houses would either have to be too expensive or too small, we don't think we'd find a market.

SUPERVISOR BREESE

Okay. Anybody else have any questions?

COUNCILMAN YUDELSON

Through you, Mr. Supervisor, my questions are based on some conversations I had with neighbors, knowing not that, you know, that not everybody can be at the Public Hearing, I did go through the neighborhood and talked to several neighbors, it might have not been necessary because it appears that they are all here, but...

FRANK HAGELBERG, ESQ.

Is that what they're here for? *(Laughter)*

COUNCILMAN YUDELSON

...the first thing is, as far as Florendin, that was really one of the biggest concerns, obviously, that was expressed, so, you know, I appreciate your responsiveness to this, but just, I'll ask the question that I think is, would be something Mr. Nims would address later, about the impact on Lehigh Station, with the number of cars, because, you know, my experience on the Board has been with several Projects, including some that you have been involved in, that traffic studies and that term of what the capacity of the road is, which is the data that I know you work with, is different than, you know, people in the communities, you know, perception would be of various roads as far as how busy a road they are, so I would like to give you an opportunity to speak to more

about that. And, the other one, specifically, which is really something that I know, down the road, when you go on to the Planning Board you would deal with it, but since all the neighbors are here, maybe you could speak to it, briefly. Another thing that was communicated to me was the concern about buffering and the stand of trees that, you know, separates the property from the residences, and what your plans will be there. People who were concerned that all of those trees or a majority of those trees would be coming down.

FRANK HAGELBERG, ESQ.

With respect to traffic, you're right, the design capacity can differ widely from anecdotal experience, and I'll let Mr. Nims speak directly to what he found based on the actual counts, but the other concept that I think does make some sense is that a concept that I think you are familiar with, which is level of service. It takes a road or an intersection and says how congested is it, and there is a marking system, "A" through "F", and says what level of service exists today, and more importantly, what level of service will exist if the projected additional traffic is added to the mix. And, Mr. Nims will correct me if I'm wrong, but my understanding of the traffic report says that level of service at Florendin and Lehigh Station will not change, will not be degraded, by the addition of this expanded Project. As I indicated, what the study does show is that there will be less than a second and a half increase in the waiting time at Florendin to make a left turn onto Lehigh Station, but that is not enough to change the, and that's during peak hours, but that's not enough to change the over all level of service. Have I messed that up Don, why don't you come up...

DONALD NIMS, BERGMANN ASSOCIATES
(From audience, inaudible).

FRANK HAGELBERG, ESQ.

Okay. So, I understand design capacity creates a lot of hand ringing. I think level of service is an appropriate gage, and even more important, the change in the level of service. If we were looking at a level of service of "A" and I was going to drop it down to "D" then that would be a serious problem. If we have got a level of service that's at "C" and stays at "C", but you are going to have that little bit of additional delay, but not enough to change the, to degrade what the engineers refer to as level of service. I hope that's an appropriate answer. Chris do you want to address the buffering issue?

SUPERVISOR BREESE

Well, let me just say one thing...

FRANK HAGELBERG, ESQ.

Okay.

SUPERVISOR BREESE

These are important issues that have been raised, about traffic, and buffering and that kind of thing, and we're certainly going to consider that, but if it gets that far, these are

issues that will be dealt with in detail by the Planning Board when they review your site plan and your whole Application, as you well know.

FRANK HAGELBERG, ESQ.
Yes, yes.

SUPERVISOR BREESE
We're not a Planning Board, we're...

FRANK HAGELBERG, ESQ.
That's correct. And, the State D.O.T. will want to be heard on the issue as well.
SUPERVISOR BREESE
Yes, they will.

FRANK HAGELBERG, ESQ.
And, we are contemplating that, and we're ready to talk to them on that. Maybe we ought to stop there. More questions on the traffic?

COUNCILMAN MULLIGAN
Through you...

COUNCILWOMAN ZINCK
Yes, yes.

COUNCILMAN MULLIGAN
Through you, Mr. Supervisor...

SUPERVISOR BREESE
Go ahead.

COUNCILMAN MULLIGAN
First of all, I want to thank the residents for their emails today, and their phone calls. You've got a bigger problem here, this is a neighborhood that feels somewhat abused. This is a neighborhood that already has Wedgewood on the Green. This is a neighborhood that just got stuck with the School District's transportation center. This is a neighborhood that already has a number of units going up on the Autumn Woods Property. They have had enough. Leave them alone! *(Applause)*

SUPERVISOR BREESE
Anybody else have any questions? I mean question...

COUNCILWOMAN McCABE
Yes.

SUPERVISOR BREESE

...not a comment, hopefully.

COUNCILWOMAN McCABE

Yes, thank you, through you Mr. Supervisor, we're back to traffic on Lehigh Station Road, and if you've ever traveled that road, there is a site distance problem. You can come down that road at ten (10) miles an hour and miss somebody with a bicycle, or something, because of the site distance. Would you be repairing that site, would you be doing something to alleviate the site distance problem on that road?

FRANK HAGELBERG, ESQ.

With your permission, I can do a reasonable job on design capacity and level of service, but when you...

COUNCILWOMAN McCABE

I'd love to hear...

FRANK HAGELBERG, ESQ.

...when you get to site, I'm going to ask Mr. Nims, because...

COUNCILWOMAN McCABE

I'd love to hear from them, please.

FRANK HAGELBERG, ESQ.

That was I will say, that was, in fact, studied in the engineering study. So, perhaps you can address that, Don, come on up.

DONALD NIMS, BERGMANN ASSOCIATES

(From the Audience) At that location what we found...

SUPERVISOR BREESE

You've got to get up here, on the mic, please.

COUNCILWOMAN McCABE

Introduce yourself, please.

SUPERVISOR BREESE

Give us your name, please.

DONALD NIMS, BERGMANN ASSOCIATES

My name is Don Nims, an engineer with Bergmann Associates. We did, indeed, evaluate the intersection and stopping site distance at that driveway, and found that it met the design standards. Much as the previous Autumn Woods development would have done the same analysis, so what we are proposing is no different than what Autumn Woods has already analyzed.

COUNCILWOMAN McCABE

Okay, thank you.

COUNCILWOMAN ZINCK

Through you, while you're still up here, and we're talking about traffic, first of all I want to also say thank you so much to the neighbors for being here. I think it's real important, you're here to voice your opinion. We are saying there's a hundred and twenty-eight (128) units here, and I'm assuming that we project that maybe there's two (2) cars per unit, so I'm just wondering how we take an area that's already a pretty, a busy area, and we're dumping another two hundred and fifty (250) cars out there, and how we come back with there's not a traffic problem. So, I'm just wondering if you could explain that.

DONALD NIMS, BERGMANN ASSOCIATES

What we've found, or what the Transportation Institute has found, is that traffic is generated differently for apartments than you would normally think, especially when you have a mix of people that are not getting up first thing in the morning, and leaving right at seven to eight o'clock in the morning, or coming back home right after working a full day. Based on studies at I.T.E., Institute of Transportation Engineers, we use their formulas for computing the traffic that would be generated by number of units in this development. And, we found that the number is in the vicinity of a hundred and fifty (150), a hundred and twenty-five (125), a hundred and fifty (150), depending on the time of day. We have evaluated both the a.m. and p.m. peaks.

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, I will make a comment, because I think they're going to have to revise their peak hours, what are peak hours for seniors, because seniors are very busy people these days, and they go out early in the morning and they come home at the same time as everybody else because maybe they're not working or maybe they are working part time, or maybe they're volunteering most of the day, so, I have a problem with their figures.

I have a problem with these figures, based, for coming out of apartments, because I really have a problem with it, because I see it all the time. People are busy, and they do use the peak hours.

DONALD NIMS, BERGMANN ASSOCIATES

Right, they use the peak hours in the morning is what you're saying.

COUNCILWOMAN McCABE

Yes, they use them, they go out in the morning. They come home in the evenings. They volunteer all day, I mean, just because they're, they may be retired or they may be seniors doesn't mean that they're inactive. They are in and out all day long. So, you will have seniors coming out. I disagree with the engineers or whatever it is, Association, that you use. I really disagree with that, and they are going to have to redesign those figures. *(Applause)*

SUPERVISOR BREESE

Which report are you referring to, by the way, that you disagree with?

COUNCILWOMAN McCABE

I disagree with the...

DONALD NIMS, BERGMANN ASSOCIATES

With the traffic generation...

COUNCILWOMAN McCABE

...with the traffic generation figures.

SUPERVISOR BREESE

Okay, I just wanted that on the Record.

COUNCILWOMAN ZINCK

Stating that seniors don't travel during peak times...

COUNCILWOMAN McCABE

Don't travel during certain hours, etc. etc.

COUNCILWOMAN ZINCK

A lot of them have second careers.

SUPERVISOR BREESE

Okay, fine.

COUNCILWOMAN McCABE

I have one other question, if you don't mind. I have, there is a piece of property here, at the corner of your property, it's not your property, it's the Kase property, the Kase house. Right in that little square there before Florendin, right on the corner of Florendin. That one, there. Do you have any intention of purchasing that piece of property, or to just using that piece of property as a green area, or what have you?

FRANK HAGELBERG, ESQ.

At this point, we have no intention of acquiring that property.

COUNCILWOMAN McCABE

Okay, I just wanted to get it on the Record because I have a copy of a letter that stated that you were interested at one time. Thank you.

SUPERVISOR BREESE

Does anybody else have a question right now? *(Pause, no response)*. If not, I would like to open it...

FRANK HAGELBERG, ESQ.

We had a question about the buffering. Did you want to address that, Don?

SUPERVISOR BREESE

If you want to answer on that you can do it now.

DONALD NIMS, BERGMANN ASSOCIATES

The buffering, what we have decided to do is to try and salvage as many trees between the existing property line and the development, and if necessary, will be supplementing those with additional plantings.

SUPERVISOR BREESE

Thank you.

FRANK HAGELBERG, ESQ.

And, let me just add that I think, that you have observed Mr. Supervisor, that's an issue that we understand, and will address as part of the site plan approval.

SUPERVISOR BREESE

Thank you, Sir.

FRANK HAGELBERG, ESQ.

Thank you.

SUPERVISOR BREESE

Okay, let's open it up to the public. Would anybody like to speak, please raise your hand, come up. Yes, Sir, come up. Give us your name and address, please, and tell us how you feel about it.

ROBERT PERCY, 16 FLORENDIN DRIVE

Originally, when we discussed Autumn Woods several years ago, there was going to be an exit going to Calkins Road. Is that still, there was going to be an exit out passed the, on the original....

(From audience, inaudible)

ROBERT PERCY, 16 FLORENDIN DRIVE

Yes, yes.

SUPERVISOR BREESE

I don't recall that, I don't recall that.

ROBERT PERCY, 16 FLORENDIN DRIVE

Yes, it was, it was, absolutely was.

SUPERVISOR BREESE

You mean it was stipulated? No, it wasn't.

COUNCILMAN MULLIGAN

It was talked about.

ROBERT PERCY, 16 FLORENDIN DRIVE

It was talked about, it certainly was.

SUPERVISOR BREESE

It might have been talked about, sure. It might have been talked about, yeah.

ROBERT PERCY, 16 FLORENDIN DRIVE

As far as the study that the builders have done on this, I would like to see the D.O.T. report on that because you have a hill on both sides of where they're exiting. And, right now, I leave between six thirty (6:30 a.m.), quarter after seven (7:15 a.m.) every day, and it takes me sometimes four (4) minutes, I don't know where the seconds come in. I haven't got out of there in seventeen (17) seconds in, since the expressway opened up, but, you are going to add a hundred and fifty (150) cars coming out of there in the morning? Nobody's going to leave, nobody's going to leave, you have a hill coming on the left side, the right side, the left side and a hill on the right side. D.O.T. will not allow a traffic control device on the hill. They will not allow it. There is no way you can put a red light or a blinking light or anything there. You are going to have people fighting to get out on that road, and it's going to be, it's going to be chaos. I just don't see where you can but that amount of traffic out in the morning, you know, with the people that already live there. You have Nevins Road dumping there. You've got Florendin, plus the people coming down the hill from East Henrietta, plus you've got, the expressway traffic is, is just, it's crazy. I mean, that's a major, major thoroughfare now, as you guys know, because you've widened that bridge, near Matthews and Fields. You had to do it, so you could get the traffic through. Then you added the bus garage, that you guys put up there...

SUPERVISOR BREESE

We didn't put it up.

ROBERT PERCY, 16 FLORENDIN DRIVE

Well, whoever put it up...

COUNCILMAN MULLIGAN

The School District.

SUPERVISOR BREESE

The Rush-Henrietta School District.

ROBERT PERCY, 16 FLORENDIN DRIVE

Yeah, well, anyways, that's another, you know, it's just one thing after another. Pretty soon we'll just all sell our cars and buy a helicopter just to get out of the house. It's crazy, it's just crazy. That is about all I've got to say, okay.

SUPERVISOR BREESE

Thank you, thank you, anybody else? Yes, Sir.

CARL PALMER, 37 FLORENDIN DRIVE

Good evening. My name is Carl Palmer, and I have lived at 37 Florendin Drive for the past thirty-five (35) years. I am extremely opposed to building extra apartments off of, or next to, west of Florendin Drive. First, we had the debacle of the senior citizens apartments. We all know what they look like now. When it was proposed as senior citizen housing, to be built behind my house, my son chimed at me and said, "Just think Dad, you won't have to move very far. We can just drag your stuff across the way, and you'll be all set". Now, we are being asked to accept a huge number of apartments to be placed in a location that should be zoned for residential housing. With apartments come many things, which are either unsafe or not expected in residential area zones. One of the reasons I purchased my home was for the trees, the fields, and the serenity in the area that we are discussing. I'll skip my part about entering into Florendin Drive because we seemed to have corrected that, or, but there is another disruption that we haven't talked about, and that's the wildlife. Until this land was cleared for the first debacle, I never saw a deer in my yard, in the green belt, or anywhere out there. Since this land has been cleared, I have had deer eat my shrubbery, eat my plants, eat my flowers, and eat my garden! I'm upset! Even with the apartments going in there, there are still going to be the deer there, and you do know that they don't care about your plants. They eat them, and that's the way it is. Look at what happened at Durand Eastman Park. They are still worrying about that. The other issue is, is that deer are majestic animals, and they look great in the wild, however, they are a very scary animal when you're driving at night and they jump in front of your car. They also cause major damage. They also cause accidents. The first reaction you have, when something jumps in front of your car, is to avoid it. In doing so, often times people hit trees, bridges, and other people, cars. So, I think that is another thing that we need to address here tonight. The trees need to remain. I don't want to look out my deck, which I am in the process of just starting to build, and look at apartments. I bought that house so that I can look at a field. So, put me down as adamantly opposed to additional apartments being built, and damaging the habitat of the wildlife of the aforementioned area, and we haven't discussed yet what the buffer area is. Is it, can I ask a question?

SUPERVISOR BREESE

Sure.

CARL PALMER, 37 FLORENDIN DRIVE

There's the Lehigh Trail here. What's the distance from the apartments to the Lehigh

Trail? What's that buffer going to be?

SUPERVISOR BREESE

Do you have that mapped out yet? I know we're not the Planning Board, maybe you haven't gotten that far with it.

DONALD NIMS, BERGMANN ASSOCIATES

(From audience) Haven't gotten that far, but it will be at least a setback that is required...

SUPERVISOR BREESE

Will you put that on the mic so that we have a Record of this.

FRANK HAGELBERG, ESQ.

Sure. The distance will be in excess of whatever the setback is between the property line and the buildings.

SUPERVISOR BREESE

Okay, okay, thank you.

CARL PALMER, 37 FLORENDIN DRIVE

My final point would be, there are wetlands there, and there are regulations by D.E.C. Have all of those been met?

SUPERVISOR BREESE

Sir, did you hear that question? Can somebody, Mr. Hagelberg?

FRANK HAGELBERG, ESQ.

I think the answer to that is that the Board and the Planning Board, the Town, can be assured that we understand that before we can touch any wetlands D.E.C. has to be happy with us, and we're not going to do anything unless and until we've got all of the required permitting, because this is one instance in which it's not easier to ask for forgiveness and permission, and that's not our practice.

SUPERVISOR BREESE

Thank you. Is that it?

CARL PALMER, 37 FLORENDIN DRIVE

I just wanted to thank the Board for listening.

SUPERVISOR BREESE

Thank you, Sir, for talking. *(Applause)*

SUPERVISOR BREESE

Would anybody else like to speak on this? Yes, Sir?

ROBERT SHUTTS, 13 GREEN ISLE ROAD

I have only one (1) question. I think I heard somebody say something about an extra access road, the one that goes by the medical center and on to Calkins Road. They could skirt the Park, go right by, what is that Red Creek Road?

SUPERVISOR BREESE

Yes.

ROBERT SCHUTZ, 13 GREEN ISLE ROAD

Why not have that as an extra access road?

SUPERVISOR BREESE

I think that is a very good question, that's yet to be answered, thank you.

ROBERT SHUTTS, 13 GREEN ISLE ROAD

Thank you.

SUPERVISOR BREESE

Would somebody else like to speak on this Application? Yes, Sir, over there.

THEODORE WILLIS, 107 FLORENDIN DRIVE

Members of the Board, my name is Theodore George Willis, I live at 107 Florendin Drive. I was born in this Town. I grew up in this Town. I grew up on 31 Green Aster Drive. I've got to live with the apartment complex that we have up here on Wedgewood on the Green, which is a fine establishment, but now we are looking at putting something else behind, on the other side of our house. I am looking here, and I heard something else said by you gentlemen, about the Chu property. Well, where exactly does the Chu property come in on this? Is this already incorporated on the Chu property?

FRANK HAGELBERG, ESQ.

(From audience) Yes, Sir.

THEODORE WILLIS, 107 FLORENDIN DRIVE

Okay, so, you already assumed that you had the Chu property before we came here? Okay. My biggest concern is this, my kids play in that field, okay. So do other kids. They run around and they play in that field. It gives them the ability to have some fun. Yeah, I used to build forts in that field, you know, and my kids build forts in that field. And, speaking of wildlife, okay, plenty of wildlife. There's two (2) coyotes that come from up here, at the Dome Arena, they come running down here behind my house every single day. I get to see deer, I get to see coyotes, I get to see a red tailed fox that comes down from the Dome Arena area, too. My biggest concern about this is that I am tired of being built in my neighborhood. My neighborhood starts out, I grew up in this neighborhood, and I came back after serving nine (9) years in the military. Enough is enough, Sir, Ma'am, we've had enough. Enough is enough. Let my kids be able to

still play in this, that's all I'm asking for. And, when they grow up, hopefully their kids will still have something to play in. It's just a, a field that when you did this Autumn whatever, Autumn Meadows, okay, yeah, it's an eyesore, well, you know, let's tear it down then. If it's an eyesore let's get it torn down, but let's not put something else up in its place. Yeah, the house looks beautiful, the apartments look beautiful, but enough is enough. That's all I'm asking for, you know. A lot of us have kids, and it is a neighborhood that is turning around. Enough is enough. We don't need them, we don't want them, I don't need them. Thank you. *(Applause)*.

SUPERVISOR BREESE

Thank you.

SANDRA JUNGE, 40 FLORENDIN DRIVE

My name is Sandy Junge. I have been at Florendin Drive for thirty (30) years. My husband and I both live there. We have raised our three (3) kids. My concern is with, and I don't think everyone's absolutely sure, you're asking today for an extra, an additional eighty-eight (88) correct? We already have a hundred and twenty-eight (128) that has approval, that's going in, that's approved.

SUPERVISOR BREESE

That's correct, Sandy.

SANDRA JUNGE, 40 FLORENDIN DRIVE

Pending the Planning Board, and de da, de da, de da...

SUPERVISOR BREESE

The one hundred and twenty-eight (128) was approved a long time ago.

SANDRA JUNGE, 40 FLORENDIN DRIVE

That's true, and I don't think the gentleman that just left was aware, didn't know. It didn't sound like it.

SUPERVISOR BREESE

It's about the additional eighty-eight (88), you're right.

SANDRA JUNGE, 40 FLORENDIN DRIVE

I believe we have a sufficient buffer, with the one twenty-eight (128) and the Chu property being left alone. That's a good buffer between Florendin and the one twenty-eight (128). Has the traffic study been done with consideration to the bus garage?

SUPERVISOR BREESE

Mr. Hagelberg?

FRANK HAGELBERG, ESQ.

The answer is that the traffic study includes all of, takes into account all of the existing traffic in the area. That would include the bus garage. We are more than happy to share our traffic study with the Town Engineer. He can look at it. Perhaps Councilwoman McCabe has some questions about it that she would like to take up with the Town Engineer or with Mr. Nims. We will make that available, but the answer is yes.

SUPERVISOR BREESE

Okay.

SANDRA JUNGE, 40 FLORENDIN DRIVE

I agree with Ms. McCabe, I don't like the numbers. I don't think they're real, and I would like to see, I would like to see the results of that study because you don't get out of there. At peak times, there is a bus going up the hill, its lights are on, and cars are stopped all the way to the railroad. All the way up. You can't get out, you can't. I go up and go down Middle Road, I can't make a left hand turn. They stop all of the way up, and their stopping, Sperry, we're surrounded by schools. We've got, you can't get out, I'm sorry. Thank you very much for letting us speak our peace. *(Applause)*

SUPERVISOR BREESE

Thank you.

MICHAEL STONE, 25 FLORENDIN DRIVE

Good evening. My name is Michael Stone. I live at 25 Florendin Drive. Couple questions. They seek approval for the extra eighty-eight (88) units, I mean, without the buffer zone, I mean, wherever their property line is, I mean if you guys gave them the approval of the extra eighty-eight (88) units. My house, I'm going to look out the window and I am going to see, I mean, I see a pile of wood already, but I'm going to see apartments looking out my back window, and they don't have an idea of what the buffer zone, or bumper zone, or whatever you guys want to call it. If you guys approve the extra eighty-eight (88) units, aren't we pretty much stuck with whatever they decide? I mean, they could come up and say well, you know, we are going to put some trees in, right, but we're still going to be looking at these apartments. Now, I lived over on Erie Station Road, and when Erie Station Manor, or whatever, went up, I mean, we have enough apartments in Henrietta, I mean, the original plans are fine. That's fine, and the traffic study? I go to work at five (5) o'clock in the morning, sometimes six (6), and you know, there are still cars going up to 390. And, I get home at six (6) o'clock at night, and you know, I almost got crushed by a bus yesterday pulling into Florendin. So, there are a lot more issues than everybody's really talking about. I think before we approve anything, even if you Table it so that they can come up with some better, you know, some better ideas or whatever. I think that would probably be the wise thing to do. Thank you.

SUPERVISOR BREESE

Thank you. We are not going to Vote tonight, by the way. We don't usually Vote the same night on a rezoning matter. Is there somebody else here that would like to speak

on this Application? Yes, of course, go ahead.

FRANK HAGELBERG, ESQ.

A suggestion was made that the neighbors would be pretty much stuck with whatever we decided to do in terms of landscaping, and I just, a lot of developers would say would that were the case, but we will have a Planning Board process. My expectation, based on what we have heard tonight, is that the landscaping will play a fairly central roll in that. There are lots of things that may be considered, and may be proposed. We haven't come to you with a landscaping plan tonight because we believe that's beyond the province of either the Rezoning or the Special Permit. But, we are fully prepared, as we move forward, to work with the Planning Board, and to work with the neighbors, to come up with a landscaping plan that makes sense to everybody. We are not going to be able to do whatever we'd like. We know that for sure. Thank you.

SUPERVISOR BREESE

Thank you. Yes, Sir, from the back, or Ma'am, I'm sorry. Yes, Ma'am? I just saw your hand. I didn't see the rest of you.

WENDY STRASSNER, 27 FLORENDIN DRIVE

That's okay, I'm short. My name is Wendy Strassner. I live at 27 Florendin Drive. The traffic, I did call the Town, and I did get some numbers. The last time from Middle to East was counted, for the traffic, was in '04. That was 7,760 per day. Not quite sure what it is in '07, if you add Hosmer's, the bus garage, the new trucking that is up at the corner of Erie and Lehigh, the expressway, all the new businesses that have come in. So, I didn't see any bumps in the road counting cars all around. So, I'm not quite sure what their numbers are, but I would like to see Henrietta do it. I look out my backyard right now and I can see deer in the morning, I can see some animals. I have raised four (4) kids there, and I see a lot of young families growing up with their kids. We see people biking, walking along the trail, the Lehigh Valley Trail that is at the end of our road, cut off because, well, there was supposed to be a golf course, we can't get to the other half of our trail. It is just, do they have to be so greedy to get the other eighty-eight (88)? Can they not just leave that, put in a nice walking park, you know, kind of like Tinker? A walking trail, extend maybe Lehigh Valley into a walking trail. Do they really need to have eighty-eight (88) more? That's all. *(Applause)*

SUPERVISOR BREESE

Thank you. Anybody else like to speak on this Application? Yes, Ma'am.

BONNIE KASE, 1294 LEHIGH STATION ROAD

My name is Bonnie Kase, and I live at 1294 Lehigh Station Road. I am very happy that a road is not going behind my house, however by me looking out my window I am going to see an apartment building sixty (60) feet from my home. That is something that I really do not want. I am going to put my house up for sale in about two (2) weeks because I do not want to live around apartment complexes. I do not want the value of

my property to come down, which it will through all my community. All of my neighbors' properties will, the value will go down. As far as the traffic, I can not get out of my driveway, especially when the school buses, the school buses, once the school buses stop to let the kids out to cross the street the traffic is backed all the way up the hill. Cars are trying to turn onto Florendin, turn onto Nevins, it's backed up all the way to the expressway. There are times I can't even get out of my driveway for about four (4) or five (5) minutes. So, I don't know where they come up with their study, but it needs to be changed. I agree with the gal that just left, with the Tinker Park. That would be awesome for my community, and for my neighbors. Thank you. *(Applause)*

SUPERVISOR BREESE

Thank you. I thought I saw another hand back there. Yes, Sir, in the back.

JAMES SENNET, 20 FLORENDIN DRIVE

My name is Jim Sennet, I live at 20 Florendin Drive. I just have a couple quick questions. The traffic study. You're basing it right now with a one hundred and twenty-eight (128) units, or the additional eighty-eight (88)?

DONALD NIMS, BERGMANN ASSOCIATES

(From audience) Two hundred and sixteen units (216).

JAMES SENNET, 20 FLORENDIN DRIVE

And you have a good idea of the mix of people that are going to be there?

SUPERVISOR BREESE

Why don't you get up there and answer that on the mic, please.

DONALD NIMS, BERGMANN ASSOCIATES

It's two hundred and sixteen (216) units, and it's based on the trip generation tables from the I.T.E., which is the standard of the industry.

JAMES SENNET, 20 FLORENDIN DRIVE

So, there is a standard amount of seniors that are going to be there? A standard amount of singles? You can't determine that right now, can you?

FRANK HAGELBERG, ESQ.

We have no way of knowing the identity of who's going to live there, or how many cars they're going to have, or how often they're going to go back and forth. Because of that, and because there needs to be some predictability to this, that's why there are traffic engineering manuals that provide this kind of data based on experience. They are not pulling it out of the air, based on experience. The only way to project, the only reliable way to project, is based on past experience. Our crystal ball is no better than anybody else's.

SUPERVISOR BREESE

Thank you. Yes, Sir? Anything else?

JAMES SENNET, 20 FLORENDIN DRIVE

Just curious, too, have you requested what they call a F.O.I.L. Report?

SUPERVISOR BREESE

What? I'm sorry?

JAMES SENNET, 20 FLORENDIN DRIVE

A F.O.I.L. Report, it will indicate the number of accidents that have occurred at that intersection.

WILLIAM MULLIGAN, COUNCILMAN

Freedom of Information.

JAMES SENNET, 20 FLORENDIN DRIVE

Yes.

SUPERVISOR BREESE

Did somebody ask for that?

JAMES SENNET, 20 FLORENDIN DRIVE

I have.

SUPERVISOR BREESE

Oh, who did you ask for it from?

JAMES SENNET, 20 FLORENDIN DRIVE

The State of New York.

SUPERVISOR BREESE

Okay. Did you get an answer?

JAMES SENNET, 20 FLORENDIN DRIVE

Not yet, it's due in a few, I'm just curious if they have run into that.

SUPERVISOR BREESE

You don't have that information? Okay, well when you get that information you ought to provide that to them.

COUNCILWOMAN McCABE

And the Town, please.

SUPERVISOR BREESE

Okay, thank you. Anybody else? Yes, Ma'am.

FLORENCE BROWN, 10 FLORENDIN DRIVE

Hello. My name is Florence Brown, and I live at 10 Florendin Drive, so I look right at that property. My house is the only one that looks at that property, and I don't know if it's been an issue, but I am kind of concerned about the wetlands. That has always been left wet there. I have lived there forty-one (41) years. We've had a water problem there. My house was like an after thought, and built right in a swamp area, and my basement gets wet all the time. That water just runs down the hill. Now, if you are going to put a house or something there, where is that extra water going to go? This has not been...

SUPERVISOR BREESE

That's a very good question. Have you looked at that wetland issue yet, or are you about to? It's a good question.

DONALD NIMS, BERGMANN ASSOCIATES

Number one (1), what we'll do with the water that comes onto the site is send it to a stormwater management pond. There is an existing pond in the north west corner of the property, and that was designed for the original Autumn Woods Development. What we'll be doing is expanding that to accommodate the additional stormwater run off from the Chu property. That's the plan. Now, as far as the wetness of somebody else's property, we don't have any control over what's currently going on. As far as the wetlands themselves, we will be disturbing those as minimally as possible. So, if anything, the situation should be improved because we will be taking the stormwater that's going onto the Chu and onto the Autumn Woods Property and sending it to the pond.

SUPERVISOR BREESE

Thank you, Mr. Hagelberg?

FRANK HAGELBERG, ESQ.

To say it another way, we recognize our obligation not to make it any worse, and we'll be held to that.

SUPERVISOR BREESE

Is there anybody else? Yes, Sir.

(From audience, inaudible)

SUPERVISOR BREESE

It's Mr. Percy, again, just for the Record.

ROBERT PERCY, 16 FLORENDIN DRIVE

Yeah, Bob Percy, I'm sorry. I have flooded several times. The very hard, what you get around here is very hard rain, the storm system backs up to almost our property. Now, this water, the stormwater coming off their property, is that going to dump into our

existing storm system? Or, are they going to run something new, because our storm system right now will not take any more water. You know, when we get those big down pours that we get here.

SUPERVISOR BREESE

Sure. Yes, Sir?

DONALD NIMS, BERGMANN ASSOCIATES

I can answer that. The pond is the light blue area, on the map, in the north. All the water that is being collected by the storm system on the entire property will be going to that location.

ROBERT PERCY, 16 FLORENDIN DRIVE

So, you are not going to put any water into our storm system at all.

DONALD NIMS, BERGMANN ASSOCIATES.

No, no Sir.

ROBERT PERCY, 16 FLORENDIN DRIVE

Okay, that's all I wanted to know, because our's right now is already over loaded.

SUPERVISOR BREESE

Thanks, Bob, yeah. Thank you for asking that. Yes, Ma'am.

STEPHANIE COUCH, 38 GREEN ACORN

I'm Stephanie Couch on Green Acorn. There's a dip on Lehigh Station Road. Even with a light there, you come out of Florendin Drive, you can't make a left on Lehigh. If you take a right, you can't see what's there, whether it's a car or a person. Last year there was a State worker there and two (2) of us came over the hill, and he was in the middle of the street, he could have gotten killed. Even with a light, you can't see what is in that dip, and that's where the entrance is going to be.

SUPERVISOR BREESE

That's a good point. Even though that's not a Town road, I'll have the Highway Superintendent get involved in that. Thank you. Somebody else have a comment or a question? Yes, Ma'am?

ANNA CORDELLO, 7 GREEN ISLE ROAD

Hello. I am Anna Cordello. I live on 7 Green Isle Road, which is off of Florendin Drive.

I would just like to reiterate what all my neighbors have been saying, you know, there's many people here who want to get up, who aren't good public speakers, like myself. I also want to say that I leave for work every morning at seven-thirty (7:30 a.m.) and this morning, for instance, I timed it, and I waited three (3) minutes to leave. I work for the Rush-Henrietta Central Schools. There is the issues with the buses. Our basement also floods. I would like to reiterate that point, also. About the pond, I was just

questioning, I know it's kind of a bizarre question, but considering that it is in our neighborhood, would it be a fenced pond?

SUPERVISOR BREESE

Get on the mic, please. Explain that.

DONALD NIMS, BERGMANN ASSOCIATES.

It would be designed with the standards that are required for the slopes, and during the site plan approval process it would be determined whether it needs to be fenced or not.

ANNA CORDELLO, 7 GREEN ISLE ROAD

Thank you very much, and I just wanted to, I don't know if it's appropriate in front of the Board or not, but is there anyone else in my neighborhood that waits longer than sixteen (16) seconds to exit Florendin Drive onto Lehigh? Can we see a show of hands, who waits longer? *(Clapping and Applause)*

SUPERVISOR BREESE

Thank you. That was a good comment. Is there somebody else here that would like to speak on this matter? *(Pause, no response)*. What we're going to do now is, we're not going to Vote tonight. The one hundred and twenty-eight (128) units are already approved, many months ago, they will go forward. If, for some reason, the Town Board does not approve the additional eighty-eight (88) units, the property, I believe, will remain in the ownership of the Chu's. It is zoned R-1-15, and the Chu's could sell the property to somebody who wants to build single family homes. We can't confiscate the property. I don't think anybody here has suggested that. It is still their property, and they have the right to deal with their property the way they want to, within the existing zoning. So, that is kind of where we are. I appreciate all the people that came out tonight. I know how important it is to your neighborhood. I'm glad that we were able to at least get rid of the issue of the curb cut onto Florendin, which was not acceptable to me or any members of the Town Board. So, we accomplished that. How we will Vote, I don't know, or when we will Vote, I don't know, but it won't be tonight. Thank you very much. Yes, Sir?

(From audience) Will we be notified of the next meeting?

SUPERVISOR BREESE

Well, the next meeting is in two (2) weeks.

(From audience) Will we be notified if you're going to Vote?

SUPERVISOR BREESE

No, no...

COUNCILMAN MULLIGAN

My hope is to Vote in two (2) weeks. Personally, I want to Vote in two (2) weeks.

SUPERVISOR BREESE
Can I answer, please?

COUNCILMAN MULLIGAN
Yeah, go ahead.

SUPERVISOR BREESE
Thank you very much. The next meeting is in two (2) weeks. We may or may not Vote that night, okay. So, you can come that night if you want to...

(Inaudible)

SUPERVISOR BREESE
May I please finish? Thank you. If you want to find out if it's on the agenda, you can call the day before the meeting, like the 19th of June, to see if it is on the agenda.

(From audience) So, we won't be notified?

SUPERVISOR BREESE
No, we don't send out notices about when we're going to Vote. We send out notices about when there is going to be a Public Hearing. If you want to know when we're going to Vote all you have to do is call the Town Clerk, and you will find out that way. Okay?

(From audience) So, the next one (1) is not a second Public Hearing on this specific...

SUPERVISOR BREESE
No, this is the only Public Hearing we will have on this matter. We only have one (1) Public Hearing, per Application, okay. So, if you want to find out.... You want to talk again? Yes, Sir, go ahead, it's okay. Give us your name again, will you.

CARL PALMER, 37 FLORENDIN DRIVE
My question still hasn't been answered yet, and that is the buffer we have now, we haven't talked about this. Is it five (5) feet? Is it twenty-five (25) feet? Is it a hundred (100) feet?

SUPERVISOR BREESE
That's a Planning Board matter. That's a Planning Board, if it ever gets to the Planning Board. That's a Planning Board...

COUNCILMAN MULLIGAN
Through you, Mr. Supervisor, I think

CARL PALMER, 37 FLORENDIN DRIVE
But I think all of the neighbors are concerned...

COUNCILMAN MULLIGAN
Fifty (50), fifty (50) feet.

SUPERVISOR BREESE
He said fifty (50), I, do you know, is fifty (50) feet right?

DONALD NIMS, BERGMANN ASSOCIATES
It's sixty (60) feet, is the side setback from the property line to the nearest building.

SUPERVISOR BREESE
Does that answer your question?

CARL PALMER, 37 FLORENDIN DRIVE
What about the trees?

SUPERVISOR BREESE
He wants to know about trees.

DONALD NIMS, BERGMANN ASSOCIATES
I don't, I haven't gotten that far into the design. I will be able to answer that during the site plan approval process.

COUNCILWOMAN ZINCK
Can I say one (1) more thing? Through you, Mr. Supervisor, we've talked about a couple of things that obviously you're looking to purchase the Chu land, and if this is not approved, the Chu's have the right to sell that land again. Another option would be for you to still purchase the Chu land and possibly consider that park type of setting that they're talking about, and maybe rent your apartments for a little bit more, to be a good neighbor. So, just another thought (*Applause*).

SUPERVISOR BREESE
Okay, the Public Hearing is adjourned. Thank you very much for coming.

(Brief Intermission)

SUPERVISOR BREESE
May we have the first Resolution, please?

RESOLUTION #12-133/2007

On Motion of
Councilwoman McCabe

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 6/6/2007	\$ 251,058.13
EXHIBIT B	Manuel Bills Payable	\$ 600.50

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #12-134/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

WHEREAS, upon Resolution of the Town Board, the Town of Henrietta entered into an Intermunicipal Agreement to provide Fire Marshal services to the Town of Rush for the year 2007, and

WHEREAS, due to pending personnel changes in the Town of Henrietta Building Inspector/Fire Marshal office, the Henrietta Town Board believes that the services to the Town of Rush would be negatively impacted and could also affect the level of service provided to Henrietta residents and businesses, and

WHEREAS, said Intermunicipal Agreement provides that either party may cancel said Agreement upon not less than thirty (30) days written notice to the other party.

THEREFORE, BE IT RESOLVED, that the Intermunicipal Agreement authorizing the Henrietta Fire Marshal to perform services for the Town of Rush is hereby canceled pursuant to the terms of the Agreement, effective July 6, 2007.

BE IT FURTHER RESOLVED, the Town Attorney for the Town of Henrietta is hereby directed to so notify the Supervisor of the Town of Rush.

SUPERVISOR BREESE
Discussion? Call the roll.

WHEREAS, Resolution #70-120/2007 authorized the advertisement for bids for the Hanson Circle Culvert Replacement Project for the replacement of the existing storm sewers, and

WHEREAS, four (4) bids were received, and the low bid, meeting specifications, was received from D.C. Allen Contractors, Inc. for a total cost of \$192,150.00.

THEREFORE, BE IT RESOLVED, that D.C. Allen Contractors, Inc., 3194 Route 21 North, Palmyra, New York 14522, be hereby awarded the bid at a cost not to exceed \$192,150.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay D.C. Allen Contractors, Inc. in an amount not to exceed \$192,150.00 upon successful completion of said work and acceptance by the Director of Engineering/Planning.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #12-137/2007

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, Lacey Development, Inc., the Developer of Harvest Hills Subdivision, Section Three (3), located on the north side of Branchbrook Drive, has constructed a Storm Water Retention Facility in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said facility and the aforescribed improvements to the Town and for this purpose has delivered to the Town a deed for the parcel of land, identified as Tax Account No. 190.03-2-56, conveying said facility to the Town, and

WHEREAS, the Town Attorney has examined this deed and has found it to be in good order, and

WHEREAS, the Superintendent of Drainage/Sewers/Sidewalks and the Director of Engineering/Planning have determined that the said facility was built in accordance with Town requirements and have recommended that they be accepted by the Town, and

WHEREAS, the standard required two (2) year period of time within which a Maintenance Bond would be required to be posted has elapsed, and

WHEREAS, the Director of Engineering/Planning and the Superintendent of Drainage/Sewers/Sidewalks have reinspected the facility and recommend that it be accepted without requiring posting said Bond.

THEREFORE, BE IT RESOLVED, that the said Storm Water Retention Facility for the described subdivision section be and it hereby is accepted and that said deed be recorded in the Monroe County Clerk's Office.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:
Councilwoman McCabe voting Aye
Councilman Mulligan voting Aye
Councilman Yudelson voting Aye
Councilwoman Zinck voting Aye
Supervisor Breese voting Aye
Carried

RESOLUTION #12-138/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, Lacey Development, Inc., the Developer of Harvest Hills Subdivision Section four (4), located on Branchbrook Drive, has installed watermains and sanitary sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the stated utilities to the Town of Henrietta and for this purpose has delivered to the Town of Henrietta filing instruments granting easements to the Town for said watermains and sanitary sewer systems, and

WHEREAS, the Town Attorney has examined these easements and has found them to be in good order, and

WHEREAS, the Superintendent of Drainage/Sewers/Sidewalks and the Director of Engineering/Planning have determined that the said watermains and sanitary sewer systems were installed in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said watermains and sanitary sewer systems for the described subdivision section be and they hereby are accepted and that the easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a sum of Ten Thousand, Six Hundred Dollars (\$10,600.00) for a period of one (1) year.
Duly put to a vote:

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:
Councilwoman McCabe voting Aye
Councilman Mulligan voting Aye
Councilman Yudelson voting Aye
Councilwoman Zinck voting Aye
Supervisor Breese voting Aye
Carried

RESOLUTION #12-139/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, Lacey Development, Inc., the Developer of Harvest Hills Subdivision Section Four (4) located on Branchbrook Drive, has constructed roads and installed storm sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said roads and the aforescribed improvements to the Town and for this purpose has delivered to the Town a deed for tracts or parcels of land conveying said roadways to the Town, and filing instruments granting easements to the Town for said improvements, and

WHEREAS, the Town Attorney has examined this deed and easements and has

found them to be in good order, and

WHEREAS, the Superintendent of Highways and the Director of Engineering/ Planning have determined that the roads and said improvements were built in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said roadways and said improvements for the described subdivision section be and they hereby are accepted and that said deed and easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a sum of Thirty-Five Thousand Dollars (\$35,000.00) for a period of two (2) years.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #12-140/2007

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, Lacey Development, Inc., the Developer of Harvest Hills Subdivision, Section five (5) located on Long Branch Drive, has installed sanitary sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the stated utility to the Town of Henrietta and for this purpose has delivered to the Town of Henrietta filing instruments granting easements to the Town for said sanitary sewer system, and

WHEREAS, the Town Attorney has examined these easements and has found them to be in good order, and

WHEREAS, the Superintendent of Drainage/Sewers/Sidewalks and the Director of Engineering/Planning have determined that the said sanitary sewer systems was installed in accordance with Town requirements and have recommended that they be

accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said sanitary sewer systems for the described subdivision section be and they hereby are accepted and that easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a sum of Six Thousand, Three Hundred Dollars (\$6,300.00) for a period of two (2) years.

SUPERVISOR BREESE
Discussion? Call the roll.

COUNCILWOMAN McCABE
(Laughter - Referring to Councilman Mulligan's speed reading abilities).

COUNCILWOMAN ZINCK
That was amazing. *(Laughter)*

COUNCILMAN YUDELSON
You gotta catch a bus or something?

COUNCILMAN MULLIGAN
When you got it, you got it!

Duly put to a vote:
Councilwoman McCabe voting Aye
Councilman Mulligan voting Aye
Councilman Yudelson voting Aye
Councilwoman Zinck voting Aye
Supervisor Breese voting Aye
Carried

RESOLUTION #12-141/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the current number of construction Projects, from time to time, have made independent consultant inspection services necessary, and

WHEREAS, it is in the Town's best interest to maintain quality construction inspection, and

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

RESOLUTION #12-144/2007

On Motion of Councilman Mulligan	Seconded by Councilwoman McCabe
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BE IT RESOLVED, that the following persons be hired:

Kyle J. Fazio	Parks and Facilities, Part-time/Seasonal Assistant @ \$8.00/hr. effective 6/11/2007.
Melissa J. Barber	Parks and Facilities, Part-time/Seasonal @ \$8.00/hr., effective 6/11/2007.
Recreation	As per the Attachment

BE IT FURTHER RESOLVED, that the following employee change be made:

David Maek	Sewer/Drainage, Temporary/Seasonal Sewer/Drainage Assistant from Part-time Seasonal in Parks @ \$8.00/hr. (same rate of pay), effective 6/11/2007.
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SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

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

SUPERVISOR BREESE
That's the end of the meeting, would somebody like to speak on any other items? Yes, Sir?

JOHN SCHMIDT, 139 CAMPFIRE ROAD NORTH

I won't keep you but a couple minutes. In Resolution one hundred forty-two (142), the name Stephen R. MacIntyre was named, mentioned, is that the same Stephen MacIntyre who serves on the Planning Board?

SUPERVISOR BREESE

Yes.

JOHN SCHMIDT, 139 CAMPFIRE ROAD NORTH

Then he is serving as a consultant to go out and examine something that he has commented on, to the Board, is there a conflict of interest here?

SUPERVISOR BREESE

That's a very fair question, I think we discussed that before?

JOHN SCHMIDT, 139 CAMPFIRE ROAD NORTH

I think it's a smart idea, but you know how these things can trip you up.

COUNCILWOMAN McCABE

Yeah. That's true.

SUPERVISOR BREESE

No, I think, you certainly have a right to raise that issue. I think we discussed that with the Town Attorney when this all started, Mr. Mastrella?

DANIEL MASTRELLA, TOWN ATTORNEY

Yeah, you know, I'm, I can't say that we discussed it in this particular instance, and I would ask for the opportunity to actually look at the opinions and see if there's anything on these particular positions, I don't, I don't, looking at it think that it constitutes a conflict, but there are opinions that I can reference to determine if, if there is, some precedent.

JOHN SCHMIDT, 139 CAMPFIRE ROAD NORTH

That's, that's fine.

COUNCILWOMAN McCABE

They change it all the time, too.

SUPERVISOR BREESE

Thank you for raising that issue, and we will, we will find out and you'll find out. Okay. Anybody else?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilman Mulligan at 9:25 P.M. and passed

unanimously.

Respectfully submitted,

Leann C. Long
Deputy Town Clerk