

**HENRIETTA TOWN BOARD  
AGENDA  
OCTOBER 7, 2009**

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):  
**On Motion of: Councilman Moore Seconded by: Councilwoman McCabe**
  - September 14, 2009 Special Meeting
  - September 16, 2009 Regular Meeting
6. Miscellaneous Communications
7. Public Hearing:
  - Proposed Amendment to Chapter 273-6, Entitled "Vehicles and Traffic, No Parking Anytime", as listed on the attachment.
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 #19-185/2009  
Authorize Accounts Payable

RESOLUTION #19-186/2009  
Authorize Amendment to Town Code Chapter 276-6, entitled, "Vehicles and Traffic, No Parking Anytime", as listed on the attachment.

RESOLUTION #19-187/2009  
Authorize Placement of Delinquent Property Maintenance Bills on Tax Rolls

RESOLUTION #19-188/2009  
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #19-189/2009  
Award Low Bid – Wildbriar Road Sanitary Sewer Repairs Project

RESOLUTION #19-190/2009  
Award Low Bid – Crimson Bramble Road Sanitary Sewer Repairs Project

RESOLUTION #19-191/2009

Authorize Advertisement for Bids – Replacement of Oakwood Manor Pump  
Station No. 5 Project

RESOLUTION #19-192/2009

Call for Public Hearing - Fiscal Year 2010 Preliminary Budget

RESOLUTION #19-193/2009

Authorize Professional Services - Comprehensive Land Use Plan

RESOLUTION #19-194/2009

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 7<sup>th</sup> DAY OF OCTOBER, 2009 AT 8:00 P.M.

**PRESENT**

Supervisor Michael B. Yudelson  
Councilman William J. Mulligan, Jr.  
Councilwoman Janet B. Zinck  
Councilman John W. Moore  
Daniel J. Mastrella, Town Attorney  
Patricia J. Shaffer, Town Clerk

**ABSENT**

Councilwoman Catherine A. McCabe

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

**SUPERVISOR YUDELSON**

At this point, I'd ask if there's anybody who has any, would like to speak on any item that's on the Agenda, and let me just clarify, we do have a Public Hearing on the proposed Amendment for the parking restrictions on the west side of Town, that will be called separately, in just a minute, as a Public Hearing, but this would be for other items that are on the Agenda. Did anybody want to speak on any of those? *(Pause, no response)* If not, could I have the Approval of the Minutes, please?

**COUNCILMAN MOORE**

Mr. Supervisor, I would like to Approve the Minutes of September 14, 2009, Special Meeting, and September 16, 2009, the Regular Meeting, as presented.

**COUNCILWOMAN ZINCK**

Second.

**SUPERVISOR YUDELSON**

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

**SUPERVISOR YUDELSON**

The next item on the Agenda is a Public Hearing, a Proposed Amendment to Chapter

273-6, Entitled "Vehicles and Traffic, No Parking Anytime", as listed on the attachment. I'm sure there are several people here who might want to speak on that, or at least are interested in that. Before opening it up to speakers, I just wanted to mention a little bit about what we've put in place at least as far as a proposal. These new parking regulations that we're considering tonight are in response to issues that have been raised by neighbors on the streets that they would be affected. Although the Public Hearing tonight is on the parking restrictions, obviously we've had discussions with several of you about other quality of life issues in the neighborhood, and I just wanted to go off on a little bit of a tangent to mention we continue to work on that in addition to the parking restrictions that might be considered. We have other things that might be, have to do with the Code, whether that is enforcement of certain restrictions, or certain conditions by the Code, we have right now a Committee that is considering updates to our Town Code. They've just started their work recently, they're going to be soliciting more participation and input from the public and there will be more information coming out on that. Several of the occupants of rental properties over there are R.I.T. students, not all, but a lot of them are, and we continue to work with R.I.T. officials. I've had another meeting with them and the Sheriff's Department to talk about issues, especially how we can kind of proactively engage the students who are living over in the area to make them realize their responsibilities as residents, or as neighbors living in these neighborhoods, and also to see about doing some things proactively to kind of engage them as neighbors, not just to make them aware of their responsibilities, but to have them feel that they're a part of the neighborhood and that they want to kind of contribute to the quality of life there, and some of the R.I.T. officials, I thought, had some good ideas about ways that they could try and impact that. So, we'll have more about that, as well. But, first of all, we're talking tonight just about these parking regulations, and before calling upon any speakers interested, I just wanted to see if anybody from the Board wanted to speak at this point, say anything?

COUNCILWOMAN ZINCK

Just the only thing I would want to add is I think that Code Committee is very important to keep your eye on and that is I think some of these things are, I don't want to call them "band-aids", but they're temporary fixes to some of the things that we really need to look deeper into and that is how do we get a better handle on rental properties, period, in the Town of Henrietta. How do we make owners of rental properties more, you know, responsible and how do we know who has rental properties in Henrietta? Right now, we don't have a handle on that. So, those are all things as this Committee works, and hopefully, we'll get a better handle on, and I know it's not moving as fast as we would all like, but it is moving forward. I feel very confident it's moving in the right direction, and I think it's because you have brought these concerns to us, and I thank you for that.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, one of the key issues, I think, in changing the whole mentality out there, in terms of these college kids basically running rough shod over the

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top of neighborhoods is the ability to have our Code people go into the homes and find out exactly how many people are living there and what is their purpose in this Town? Are they a college kid; is it a situation where you've got five (5) or six (6) single people living together? A lot of the towns have that in their Code, and hopefully, working with our Building Inspector, that will come to fruition, and we'll be able to do that. I think that's a critical step in changing the neighborhoods.

SUPERVISOR YUDELSON

Thank you. At this point, I'll ask if anybody is interested in speaking and when called upon, if you would just come up and give your name and address for the Record. Who would like to go first? Carol?

CAROL BURRITT, 620 SHORE DRIVE

I'd first, okay, my name is Carol Burritt. I live at 620 Shore Drive, and I would first like to just thank you all as someone who has pursued issues with the Town before, rather unsuccessfully. I feel that there has been some real action here, and this is not something I've been used to. So, I thank you. I'd just like to address tonight the letter I got, and the proposed changes to the street parking rules. There is one (1) very critical thing I see there, and most of it I think is going to solve an awful lot of problems. Mike, you and I talked way, way back in July, or maybe it was August, about this being one of the key things is that if you can restrict some parking, you're probably going to increase the quality of the neighborhoods because that's one of the big problems. On Valley View Drive, okay, there was, under the No Parking Anytime restrictions, the south side of Valley View Drive, there is one (1) area on the south side of Valley View Drive, which is very close to where it comes into Shore Drive, it's a curve and it's a blind curve. When I first moved to Shore Drive, there were a couple of times where I came up over that curve and right almost to the intersection of Valley View and Shore Drive where I almost ran into a back of a car because it's a blind curve and it's the south side. There have been many times this summer because we had so many construction vehicles running where someone was trying to turn onto Valley View and someone had to avoid a car that is, it's a house, it's a rental house up there at the top of that hill and around that curve where, you know, there's consistently people parking on the street up on this blind curve. I would like to suggest that that might be a place where No Parking Anytime would be appropriate because it's a dangerous spot. If an ambulance came up there and had to come up there fast and around the curve and somebody was coming in from Shore Drive to turn, that could be a very dangerous situation, so as far as what's here on this blue sheet, that would be my one (1) big suggestion. It's a dangerous place for cars to be parked and they're there a lot. So, just my suggestion and I just want to say I know this is just the beginning of addressing some of the problems of the rental housing, problems with student housing, and I hope we can move forward in this. Thank you, very much.

SUPERVISOR YUDELSON

Thank you, Carol. Is there somebody else who would like to speak, at this point? Sir?

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JOSEPH ANDOLINO, 661 SHORE DRIVE

My name is Joseph Andolino. I live at 661 Shore Drive. I have a concern about the cul-de-sac. We have cars going through the cul-de-sac, somebody cleaned out the area so they can get through. We have motorcycles going through there. We have four by fours going through there, and I think it's pretty dangerous. Some people walk their animals through that area and somebody can come through that area and hit somebody. Even the Town Inspector noticed it when I talked to him about it. So, somebody's actually clearing out that spot so they go through.

CHERYL ANDOLINO, 661 SHORE DRIVE

I'm his wife. I live at the same address. My name is Cheryl Andolino. I have a tendency to be home more so during the day than he is. I do find a very, quite a few cars that come down into that turn around, cul-de-sac, which is hindered by view with a lot of tall brushes. Cars are parking on the bend where you can't spot them. I see them go in, wait ten (10), fifteen (15), twenty (20) minutes because you don't see them come out; I know they're parking there. What they're doing there is beyond me.

SUPERVISOR YUDELSON

At night, or during the day?

CHERYL ANDOLINO, 661 SHORE DRIVE

During the day and who knows what's going on at night because there's one little light and they hide just beyond there and the tall grass hides them very well, so us homeowners who are on that one (1) side street, you cannot see that car or what they're doing. After they try, during the day I can see when they head back, you can see a man and a girl in the car or two (2) guys in the car. It's to your imagination what's going on in that curve, and that's another thing that we've already had one party on the street with drugs being thrown on our lawn, so who knows. That's what I wanted to talk about.

SUPERVISOR YUDELSON

Thank you. Another speaker? Sir?

*(From audience, "Can you answer me one question . . .)*

SUPERVISOR YUDELSON

Sir, do you mind, can you . . .

*(From audience, "No, I can't come up there . . .)*

SUPERVISOR YUDELSON

Well, we need you so that it records . . .

*(From audience, "I'm sure everybody knows who I am . . .)*

SUPERVISOR YUDELSON

But, then when we do the transcription we won't be able to have your records, or your comments on Record, so if you don't mind.

*(From audience, "I know Mr. Moore real good.")*

SUPERVISOR YUDELSON

Everybody knows Mr. Moore. *(Laughter)*

JOHN ANGIE, 32 CHESAPEAKE LANDING

You know, you put a four (4) way Stop sign where I live, you might just take that and wipe your you know what with it. It isn't doing any good. The kids don't stop. They go down there forty (40), fifty (50) miles an hour, and the other thing I would like to know is how did we get so much rental property in the residential area?

DANIEL MASTRELLA, TOWN ATTORNEY

Can we get your name and address for the Record, sir?

JOHN ANGIE, 32 CHESAPEAKE LANDING

What?

DANIEL MASTRELLA, TOWN ATTORNEY

Could you give us your name and address for the tape?

JOHN ANGIE, 32 CHESAPEAKE LANDING

My name is John Angie. This didn't come to me, this came to my brother-in-law, and he's a little upset too, but he's out of town now. 32 Chesapeake Landing. But it seems to me that we're getting more kids. I mean, we're thinking of moving. It's just ridiculous. We were the fifth person that moved there before anybody else was there, and now it just looks like just, all we got there is college kids. You just keep renting them out and renting them out, Chesapeake Landing is getting very terrible lately. On one (1) house, and I'm sure it's near where you live, there's eight (8) cars there now. You people don't check on nothing. I don't think you'd want these kids in your neighborhood.

SUPERVISOR YUDELSON

Well, that's why we brought this . . .

JOHN ANGIE, 32 CHESAPEAKE LANDING

Yeah, but I mean . . .

SUPERVISOR YUDELSON

. . . regulation forward . . .

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JOHN ANGIE, 32 CHESAPEAKE LANDING

. . . somebody has done this to us. It's a residential property, now it's a place for all college students and they're ridiculous. In my front yard I get beer cans every day, whiskey bottles, would you like that in your yard?

SUPERVISOR YUDELSON

No, of course not. That's why we're having this Hearing . . .

JOHN ANGIE, 32 CHESAPEAKE LANDING

You don't patrol it, you don't control it . . .

SUPERVISOR YUDELSON

I would, you know . . .

JOHN ANGIE, 32 CHESAPEAKE LANDING

I will say that because I've asked before. I've called the Sheriff's Department once. I might just as well forget about it. It's ridiculous!

SUPERVISOR YUDELSON

The Sheriff's Department, I know, they have about four (4), usually four (4) cars patrolling all of Henrietta, and they are the first ones to admit, they were at this meeting at R.I.T., that sometimes the response time is going to be slow. If they're investigating a felony, they're not going to come and Captain Sienna was very frank. He said when that happens, it could be an hour, hour and a half before we're able to come down there and you know, if there's a party or something, very often it's changed since then. I can tell you this Town Board is very aware of it, and I also can tell you for probably the past fifteen (15) weekends, I've been down there every Friday and Saturday night around midnight going through to check on . . .

JOHN ANGIE, 32 CHESAPEAKE LANDING

I'll tell you something right now, give me permission and I'll make you about two thousand dollars (\$2,000) every day for people that go through that stop sign at least thirty (30) miles an hour.

SUPERVISOR YUDELSON

I wish the Town got the money for that infraction, we'd do it, but we don't get that money.

JOHN ANGIE, 32 CHESAPEAKE LANDING

I mean, I called the police twice and they've never done a thing about it.

SUPERVISOR YUDELSON

Yeah, well, they have to see it. That's the issue . . .

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JOHN ANGIE, 32 CHESAPEAKE LANDING

Well, like I say, give me permission and I'll show you how to make money.

SUPERVISOR YUDELSON

We can't give you the permission.

COUNCILWOMAN ZINCK

I wish we could.

SUPERVISOR YUDELON

You know that really speaks to the importance of also, in addition to these Code related things, trying to work with the students themselves to make them realize because as far as people rolling through stop signs, if anybody can come up with a way to have that not happen throughout the Town, not just in your neighborhood, that would be great.

JOHN ANGIE, 32 CHESAPEAKE LANDING

You know, we never had a problem until you people started letting them rent homes there.

SUPERVISOR YUDELSON

Well, I wouldn't say . . .

JOHN ANGIE, 32 CHESAPEAKE LANDING

That's when our problems started.

SUPERVISOR YUDELSON

. . . people have been renting homes before . . .

JOHN ANGIE, 32 CHESAPEAKE LANDING

. . . But, some builder has got these homes and he's renting them out and making a bundle of money.

SUPERVISOR YUDELSON

There is not a law, and I don't think we can pass a law that prohibits people from renting out their homes.

JOHN ANGIE, 32 CHESAPEAKE LANDING

R-1 said at one time you couldn't rent, but now you can. So, you people must have passed some sort of a law to allow these people to get in there.

SUPERVISOR YUDELSON

That's not the case.

COUNCILWOMAN ZINCK

Yes. Dan, could you . . .

JOHN ANGIE, 32 CHESAPEAKE LANDING

No one ever told us that you were going to rent property out.

COUNCILWOMAN ZINCK

Just for clarification, let's just address that real quickly.

JOHN ANGIE, 32 CHESAPEAKE LANDING

I know I didn't come here just to do this.

COUNCILWOMAN ZINCK

No, and I understand that, we understand your frustration, we really do, and we wouldn't want that in our neighborhood either . . .

JOHN ANGIE, 32 CHESAPEAKE LANDING

But the thing that's going to . . .

COUNCILWOMAN ZINCK

. . . hold on, but you need to understand that's one thing we don't have control over, but what we do have control over is how we move forward.

JOHN ANGIE, 32 CHESAPEAKE LANDING

I'll tell you one thing is them guys are going to go through there, and they're going to hit one of those little children and kill them and then what are you to do.

SUPERVISOR YUDELSON

Yes.

COUNCILWOMAN ZINCK

Yes.

JOHN ANGIE, 32 CHESAPEAKE LANDING

Yeah, thank you.

COUNCILWOMAN ZINCK

And, we would not want to see that happen. Absolutely.

SUPERVISOR YUDELSON

And, you know, you're point, you're last point is well taken, and that was part of the discussion at R.I.T. this morning, and R.I.T. officials are aware of it too, that part of what we want to educate the students about is that, on these things of whether it's squealing

tires or driving fast up the street, it's not just because it's irritating to see somebody driving up the street, the people who call and talk to me about that, they're concerned because they have kids, little kids, you know they're on the street and heaven forbid something happened and I think the big part is educating the young residents over there. So, I think it's a two prong thing; the education piece and the Code stuff. Is there someone else who would like to speak at this time?

CHERYL ANDOLINO, 661 SHORE DRIVE

Wait a minute, I have one more addition, I'm sorry.

SUPERVISOR YUDELSON

She's not done.

CHERYL ANDOLINO, 661 SHORE DRIVE

I'm Cheryl again at 661. I have an understanding that the proposed, at our cul-de-sac on Shore Drive, there's proposal for more homes to be built by the same builder who built these homes for these college students, and my concern is if you allow these homes to be, where's the parking down there and it's also going to make that street even more condensed, so in the coding, in the future coding, I think that should be addressed because I think this builder should have a variance or some type of hold put on him until further things can be adjusted because I fear that if he builds more homes at the end of our cul-de-sac, he's got two (2) lots already with a proposition of possibly overtaking another house on Shore Drive, I'm very fearful. I mean, we downsized to this private area and we have no place to turn to, and we're bunking our heads against the wall with this builder who thinks he's beautifying us and he's not. *(Applause)*

SUPERVISOR YUDELSON

We have struggled, part of the difficult thing for the Town Board is trying to come up with solutions and remedies that we actually have the authority to do, and you're last point would be a good example, the area of those lots down there are part of the neighborhood that's zoned residential. He doesn't need our permission to build. We can't say to him, "You can't build a house on that lot." So, it's difficult, but we just want to make sure people realize that. That's why we're talking about the things we actually can do. Another speaker? Sir?

RUSSELL COLEMAN, 63 OAK MILLS CROSSING

My name is Russell Coleman, and I live at 63 Oak Mills Crossing. Just a little ways down from John. I have a few questions for you. First, if we had an association, would we legally be able to impose some rules and regulations in the neighborhood? Would we have a legal right to do that? One of the things that the builder kind of indicated was that when you moved into Oak Mills Crossing, or I think it was called Chesapeake Landing at the time, we would have an association and if we had that would we have some legal recourse to impose some restrictions? That's a question for you guys.

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SUPERVISOR YUDELSON

I guess I'd ask to whatever extent you can speak to that off the cuff, Dan Mastrella is our Town Attorney.

DANIEL MASTRELLA, TOWN ATTORNEY

Well, to the degree that I can speak to it off the cuff, the answer generally would be at this stage of the game, no. The way associations, and it's not really the association necessarily that imposes the restriction, but the way the deed restrictions come to pass is, is that when all the land is in common ownership and then is subdivided into lots restrictions are placed on the deeds that do or don't allow certain activities or circumstances that the Town Code just wouldn't even address. And, often times, if the neighborhood has it, you could do it without an association, but if the neighborhood has an association when the association is filed with the Attorney General, it will contain what those deed restrictions are in the filing with the Attorney General so it appears as if it's the association that's making the regulations when actually it's a deed restriction that is being proposed and enforced. And, that's a matter of private enforcement, those deed restrictions, people who share those deed restrictions are supposed to be both benefitted and burdened by them, and they can privately enforce those. That isn't something that a municipality such as the Town of Henrietta would enforce.

RUSSELL COLEMAN, 63 OAK MILLS CROSSING

Okay, and just two (2) more questions.

SUPERVISOR YUDELSON

Sure.

RUSSELL COLEMAN, 63 OAK MILLS CROSSING

Do any of you own real property in the Chesapeake Landing area? No?

SUPERVISOR YUDELSON

I didn't hear the question, do we own property?

RUSSELL COLEMAN, 63 OAK MILLS CROSSING

Or, do you rent property out in the . . .

SUPERVISOR YUDELSON

Oh, no.

RUSSELL COLEMAN, 63 OAK MILLS CROSSING

Okay. All right.

COUNCILMAN MULLIGAN

Good question.

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RUSSELL COLEMAN, 63 OAK MILLS CROSSING

I just wanted to see if there was a conflict of interest on the Board, that's all. And, you mentioned some changes in regulations, when are those going to be rolled out? Do you have a time frame for that?

SUPERVISOR YUDELSON

The parking regulations?

RUSSELL COLEMAN, 63 OAK MILLS CROSSING

No, you're rental property . . . .

COUNCILWOMAN ZINCK

The Code, the change in the Code that we're looking at . . .

RUSSELL COLEMAN, 63 OAK MILLS CROSSING

When's that going to roll out?

SUPERVISOR YUDELSON

Well, the Committee has just started their work. They had their first meeting last week. They'll be operating under eight (8) different sub committees. There's no particular ending date. They'll work until they get through different categories. The Code will take longer than the others. I imagine the process overall will take the better part of a year.

RUSSELL COLEMAN, 63 OAK MILLS CROSSING

A year . . .

SUPERVISOR YUDELSON

Before it comes back with the recommendations that the Town Board would have Public Hearings on. The work of that Committee will be constantly updated and posted on the Town's website as they go through the process. If you have input that you think should be part of, you know, beyond what we're talking about tonight with parking restrictions, we would encourage you to submit those or if you want to get involved in the Committee, contact my office and I could tell you more about that process.

RUSSELL COLEMAN, 63 OAK MILLS CROSSING

Great. Thanks.

SUPERVISOR YUDELSON

Sure. Thank you. Ma'am?

BARBARA LUCAS, 15 CHESAPEAKE LANDING

Yes. My name is Barbara Lucas. I'm on 15 Chesapeake Landing. In regards to safety, I know that Chesapeake is not listed on the parking restrictions, but kiddy-corner across

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the street from me there is a house that has six (6) college kids living there in a three (3) bedroom house. I know when we went through the whole thing with the rental property on Tylerton, to make it a second rental, and they were saying how many cars there could be and how many people should be living in it, and they're like, if you see any more than six (6) cars there, then you need to call us because it's a Code violation. I know you're talking about getting the Code together. I called Code two (2) or three (3) times last year and nothing was ever done. There were five (5) people last year and now there are six (6) people, so every year I think it's going to grow.

SUPERVISOR YUDELSON

Six (6) vehicles or . . .

BARBARA LUCAS, 15 CHESAPEAKE LANDING

There are six (6) vehicles and there are six (6) people.

SUPERVISOR YUDELSON

Yes, well we don't have, we can't place restrictions under the current Code on the number . . .

BARBARA LUCAS, 15 CHESAPEAKE LANDING

Because, well . . .

SUPERVISOR YUDELSON

But, on the issue of the cars, we do have a Code that was adopted three (3) or four (4) years ago . . .

BARBARA LUCAS, 15 CHESAPEAKE LANDING

Correct.

SUPERVISOR YUDELSON

. . . that limits it to four (4) and that we will follow up upon and you . . .

BARBARA LUCAS, 15 CHESAPEAKE LANDING

It hasn't been done.

SUPERVISOR YUDELSON

. . . contact my office.

BARBARA LUCAS, 15 CHESAPEAKE LANDING

Pardon?

SUPERVISOR YUDELSON

Contact me.

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BARBARA LUCAS, 15 CHESAPEAKE LANDING

Okay, I will because I called Code, I called them twice last year and my father called in September because it irritated him and he was only here for a week . . .

SUPERVISOR YUDELSON

It's difficult . . .

BARBARA LUCAS, 15 CHESAPEAKE LANDING

. . . and it was . . .

SUPERVISOR YUDELSON

I'm sorry to interrupt, but I was just going to say that if we're going to write up a notice of violation and eventually an appearance ticket, the person, the Code Enforcement Officer has to see it. We can't write it based on a phone call from somebody that there are six (6) cars there. So, when we go by, we have to see it, that's why, like I said . . .

BARBARA LUCAS, 15 CHESAPEAKE LANDING

So, should I take pictures for two (2) weeks straight . . .

SUPERVISOR YUDELSON

That would be great.

BARBARA LUCAS, 15 CHESAPEAKE LANDING

. . . and date them?

SUPERVISOR YUDELSON

That would, absolutely, that would be great.

BARBARA LUCAS, 15 CHESAPEAKE LANDING

Okay.

SUPERVISOR YUDELSON

Now . . .

BARBARA LUCAS, 15 CHESAPEAKE LANDING

But, also, my concern on that is also, is at least five (5) times out of the week, there is always a car parked on the road. So, there are five in the driveway and one of them is parked in the road. And, where it is parked, its right near, it's right at 16 Chesapeake. There's a light right there and they park under that so that at night their car doesn't get broken into. But, I'm right across the street. When that car is parked there, there's just enough of a bend, that when you're coming in, you can't see around that bend and you have people who fly, I mean, I've seen people probably going forty-five (45), fifty (50) through that neighborhood. I have a new driver in my household, and it's, you know, I

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worry each time that she goes around that car. I worry about myself, and it's very tough to get around that bend when that car is parked there and they're at least four (4) or five (5) times out of the week and a lot of times it's parked there for two (2) or three (3) days straight.

SUPERVISOR YUDELSON

Do you know the address of that house?

BARBARA LUCAS, 15 CHESAPEAKE LANDING  
16 Chesapeake Landing.

COUNCILWOMAN ZINCK

That's the bend you're both referring to is 16 Chesapeake Landing.

*(Carol Burritt, from audience, "No, I was talking about Valley View Drive.")*

SUPERVISOR YUDELSON

That's on Valley View.

BARBARA LUCAS, 15 CHESAPEAKE LANDING

No, there's, I mean, it looks like a straight street, okay, but there's a little bit of a knoll and it bends just enough and when they're parked in the road, even if their off to the side a little, it's still hard to see and it still breaks it down to a one (1) lane road and that is the main thoroughfare into the development, and there are, I can't tell you how many cars go down that road, and there's little kids in the neighborhood and the way the cars go through, I mean, the Schwan's guy almost got hit the other day. So, it's not a safe situation with them parking on the road, and like I've said, I've called Code, and let you know and nothing gets done, so I'm going to contact you.

SUPERVISOR YUDELSON

Please do.

BARBARA LUCAS, 15 CHESAPEAKE LANDING

And, I will go out and I will take pictures for, what do I need to do a week, two weeks, what do I need to do?

SUPERVISOR YUDELSON

Do it for that period of time, I'm not really sure again, that might be, if we were to a point where we were dealing with that in court and it's a good point, you know, we set the rules, we issue the tickets but the disposition of those is up to the judges, which is separate from us, but, Dan, I don't know if you can speak to that particular point of whether in being able to issue a notice of violation or an appearance ticket, if pictures supplied to us would suffice or it really is probably going to come down to having to have

our Code Enforcement people see it themselves.

DANIEL MASTRELLA, TOWN ATTORNEY

Depending if the, it wouldn't be just pictures, somebody would have to, the person who took the pictures would give a deposition, a sworn statement as to what they observed. Pictures would corroborate and support that if the case actually went to court and were contested and based upon the sworn deposition corroborated by the pictures, the Code Enforcement Officer could issue a citation. The person who gave the sworn deposition would have to go court no doubt as well if the case were called for trial. So, it's not something you call and say this is what I saw and that's the end of it, there's inconvenience involved down the road to you, but that's the way you can get it done.

BARBARA LUCAS, 15 CHESAPEAKE LANDING

Right, but it just sounds like it's a way just like that we don't have to worry about it. You know, yes, if I want to make it my life's work then I will do that, but it's, when we have Code and we all have to abide by Code, but we're letting all these renters come in and we're letting as many people live there as possible, we had to go through a special thing for Tylerton to make it a double rental and so, you know, this is a double rental, they have more people living in it than the double rental.

COUNCILMAN MULLIGAN

What about, Mr. Supervisor, our Building Inspector, Terry or one of his people go over there tomorrow morning and if there's six (6) cars, they get a ticket.

COUNCILWOMAN ZINCK

Is there a time of day that you consistently see these six (6) cars because the real key is for it to be there when Terry goes there, is there a time . . .

BARBARA LUCAS, 15 CHESAPEAKE LANDING

Early morning they'll be at least five (5).

COUNCILWOMAN ZINCK

Early morning?

*(From audience, "When I come home late at night, there's always more than one (1) car parked out there.")*

COUNCILWOMAN ZINCK

Before 9:00 a.m. though?

*(From audience, Carol Burritt, "Oh yeah, they don't like to get up that early.")*

SUPERVISOR YUDELSON

I would just say, one of the things that I mentioned about the Code update Committee and the work that they're doing and this would just be an example, there's many of them of the things they need to help us refine in the Code. We do have this Code that says no more than four (4) cars in the driveway, and we're trying to remember that, you know, what we apply to college renters or anything, applies throughout the Town of Henrietta.

BARBARA LUCAS, 15 CHESAPEAKE LANDING

Correct.

SUPERVISOR YUDELSON

And that remembering kind of the intent of what we're trying to do that then if you were to have people over for dinner and you had five (5) cars in your driveway, if they called us and said we want you to issue them a ticket, you know, that it's the same situation. I think there has to be within the work of our Code Committee some more just on that particular one, some more parameters put to it to where we're measuring cars being there overnight for a certain period of time, I'm not sure how you do that and have it be something that fits the legal criteria. But, that's just an example of one of the codes that we need to update so it has some teeth to it.

BARBARA LUCAS, 15 CHESAPEAKE LANDING

Right, but also with the parking restrictions that are being formulated is, it's not that it's, you know, there are houses that do not have the room for the cars that live in that house. And, so like you said, it's a band-aid. And, I think it really needs to be addressed that more people are living in these places that should be.

COUNCILWOMAN ZINCK

And that's really, the bottom line is, what this Committee really needs to sink their teeth into is getting a handle on these rental properties, finding out where they are, how many people are living there, we don't have any of that right now. So, that's going to help us get to what we're talking about right here are the parking. That will all fall in place.

BARBARA LUCAS, 15 CHESAPEAKE LANDING

Yeah, but with the parking restrictions it's like, well, then is it going to punish us residents who occasionally have people over, so now it's punishing us because we're not, other people are not abiding by the amount of people that should be living in a house.

COUNCILWOMAN ZINCK

Exactly.

BARBARA LUCAS, 15 CHESAPEAKE LANDING

So, that's just my concerns. Thank you.

COUNCILMAN MULLIGAN

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I do think, Ma'am, it's a war though. It's, you got your neighborhood, and you people are complying with the law and you're opposed by these R.I.T. renters and the landlords, and right now their winning, so you have to be as vigilant as possible, and that's what we're trying to do on our end to make it very difficult to exist here as a landlord with five (5), six (6) kids in a property that's built for a family or you're going to lose your neighborhood.

BARBARA LUCAS, 15 CHESAPEAKE LANDING  
We've already lost . . .

COUNCILMAN MULLIGAN  
The Supervisor's . . .

BARBARA LUCAS, 15 CHESAPEAKE LANDING  
We've already lost three (3) out of six (6) neighbors in the first six (6) houses.

COUNCILWOMAN ZINCK  
The point well taken though is that we have to be really careful, I mean I can only tell you that I have four (4) daughters and there were times when we had more than four (4) cars in our home just of our family members. So, we want to make sure that we think this through.

BARBARA LUCAS, 15 CHESAPEAKE LANDING  
I know but if we're talking Code and there is a Code violation out there now it hasn't been addressed in over a year and so . . .

COUNCILWOMAN ZINCK  
So, make sure you follow . . .

BARBARA LUCAS, 15 CHESAPEAKE LANDING  
. . . if we have to abide by Code, we should be all abiding by Code. We're not so much against the R.I.T. students, it's we're so much against the landlords for allowing this to happen, and for the Town to let it happen. So, that's our concern.

COUNCILWOMAN ZINCK  
Agreed.

SUPERVISOR YUDELSON  
Thank you. Ma'am?

NICOLE HAIR, 4 STILL POND WAY  
Nicole Hair, 4 Still Pond Way. I live at the corner of East River and Still Pond. So, when you were talking about the Code Committees and you already have the four (4) car limit

that's not really being enforced because throughout the neighborhood and almost all of those rentals there are more than four (4) cars. I just took a walk around the neighborhood the other day just to make sure that it was not all in my mind and it's not because I see it daily. So, if we're having all these new sub-committees, committees, come up with new rules, how, what's the mechanism of enforcement, if you're saying, you know, we have to camp out and take two (2) weeks worth of pictures and then go to court possibly or be, you know, what really is the point of having all these rules and committees to make new rules if the rules that we already have are not adequately enforced when complained upon. That's point one (1) . . .

SUPERVISOR YUDELSON

Can I respond to that one . . . ?

NICOLE HAIR, 4 STILL POND WAY

Go ahead.

SUPERVISOR YUDELSON

. . . and you can make your next point. As far as response to it, in that, on the four (4) car one, which would be a really good example of this how we administer some of these code enforcement things, you know, a great deal of what's on the Code is enforced based on feedback we get from residents. We certainly don't have the staff, anywhere near the staff . . .

NICOLE HAIR, 4 STILL POND WAY

Sure . . .

SUPERVISOR YUDELSON

. . . to drive all through town and see who's got four (4) cars in their driveway at any given time . . .

NICOLE HAIR, 4 STILL POND WAY

Sure, that's the point . . .

SUPERVISOR YUDELSON

. . . so, a lot of it does come from, you know, whether it's high grass or anything, comes from those things that come to us. When we get the calls coming in, we go out and check on them. I will say as far as the, when you say, "What's the good of it, based on what happens", there's nothing we can do about the fact that we make the rules, make the Codes and prescribe the penalties within what's allowed by the State regulations, but that the penalties that are imposed, if there is one to be, are outside of the preview of this Board. That happens in the court, the court is totally separate from us. We can go and advocate for the Town's position on it, but to say, it wouldn't be true to say we can go in and say therefore, this happens to the people who did that. We issue the notice of

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violation and the court appearance ticket, and then it gets taken over by the judge. But, having said that, one of the things I think we need to do with better codes is then commit the resources to try and enforce them. In this case of this particular one, I know that when we adopt any changes in the parking thing, we're going to have to start sending some staff over there in the evening because that's when the problem is, and currently, we don't have code enforcement people who work late at night right now. The Sheriff's Department will enforce these, but again their availability is somewhat limited.

NICOLE HAIR, 4 STILL POND WAY

Well, that's my next question. Upon all of these new, you know, this whole sheet going in to place, if you have four (4) cars patrolling, I mean, it's ridiculous. I think that, I live on Still Pond Way, no parking overnight, and then no parking 11:00 p.m. to 7:00 a.m., so my son cannot have friends over past 11:00 p.m. at night. I have a seventeen (17) year old son. Because we would be breaking the law, but the kids up the street can break it over and over and over, the Town Code, over and over and over, and it doesn't make sense. So, you're going to put more restrictions down with this parking restriction, and you can't even enforce the rules through the Town Code that are already there. So, it's kind of like you're just pushing the enforcement problem off onto the police that are already overburdened. Are you guys going to put up signs?

SUPERVISOR YUDELSON

Yes . . .

NICOLE HAIR, 4 STILL POND WAY

A bunch of signs, and then am I calling to tell on my neighbor if I don't like that they're parking overnight? I mean . . .

COUNCILWOMAN ZINCK

You are . . .

NICOLE HAIR, 4 STILL POND WAY

I mean, it's ridiculous.

COUNCILWOMAN ZINCK

That's the only way that, I mean, if you have a neighbor that clearly is violating Code, that really is where we get the information from.

NICOLE HAIR, 4 STILL POND WAY

Right . . .

COUNCILWOMAN ZINCK

So, it really does come down to somebody making that phone call and giving us that information. And, I must say, Code Enforcement, I think, has been very responsive to

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when we do get those phone calls going out and if they see it and it's there, following through on what needs to happen, but they have to see it.

NICOLE HAIR, 4 STILL POND WAY

So, yeah, so I think the overall problem is since the police can't really enforce the parking that you guys are going to decide on, and the town can't really enforce the Code that is already in place because of short staff, whatever the thing is, there's no real solution here, it's just a . . .

SUPERVISOR YUDELSON

Well, I would disagree with the assessment that we can't enforce the Code because as Councilwoman Zinck said, we do, when we get calls, we're out there and if there's enforcement or a violation, you know, we write it up. Now, I know . . .

NICOLE HAIR, 4 STILL POND WAY

That's surprising . . .

SUPERVISOR YUDELSON

. . . the previous speaker said that they called and nothing happened, you know, I can't speak to every particular one, I know as Councilwoman Zinck said, we get dozens of calls . . .

NICOLE HAIR, 4 STILL POND WAY

I'm sure.

SUPERVISOR YUDELSON

. . . every week on a whole myriad of Code violation things, probably just the ones that come to my office, it's probably thirty (30) or forty (40) a week, and you know, most of them don't come through my office, and we go out and we follow up on every one of them.

COUNCILWOMAN ZINCK

And, I think people contact us, as well, and I can only tell you when we make a phone call to Code Enforcement that they're very responsive when we ask them to follow up on something. So, you know, if you're not getting the response you want, make sure you let us know. That's what we're here for.

SUPERVISOR YUDELSON

My question to some of the Board members that the neighbors that I have talked to, and I know a lot of you have not contacted me, but several have or I've run into them at different events, and I've said to people over and over again, what's going to help us in addressing, it's not the total solution, but one of the things we're going to need is the particulars, at this time this happened, there was this party, there was glass broken on

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the street, whatever, I've said this to a lot of people and I've actually gotten, surprisingly, very few feedback. Not that it's people's responsibility to monitor that and do that, but I've said you know, let me know so I know the same things that are frustrating you, the particulars of them. We've heard from a lot of people who've said too many parties, too much fast driving, whatever, we're saying give us addresses, give us license numbers, not that we can go out and issue a ticket because somebody drove too fast up the street, but we can follow up and make contact with that individual and let them know about the town's concern, ask the Sheriff's Department to be there during those hours, and they have been, I have to say for the Sheriff's Department, they've been very responsive when we've asked them, a couple of times neighbors have told us that they've caught wind that there's supposed to be a big party at one of the houses and they've gone down there and kind of sat on the street. I talked to Captain Sienna today about the concern that if there are parties and people are leaving the parties that they might be under the influence . . .

NICOLE HAIR, 4 STILL POND WAY

That's my concern . . .

SUPERVISOR YUDELSON

. . . and doing some D.W.I checks, you know, that also brings up one of the points that a lot of the times the problems are not being created by the kids who are living in the rental properties, it's the ones who come to their house and then leave because a lot of, not that there's not issues with them, but a lot of times the reports I'm hearing are about the young people who are leaving at 2:00 a.m., 3:00 a.m., 4:00 a.m. in the morning and squealing the tires as they take off. The R.I.T. officials today, their point was, that's true but we have to convey to the students who live in the houses, you invite them over, it's your responsibility.

NICOLE HAIR, 4 STILL POND WAY

Right, I'm just wondering how restricting me . . .

SUPERVISOR YUDELSON

Well . . .

NICOLE HAIR, 4 STILL POND WAY

. . . and the way I live in my neighborhood is going to help solve the big problem here . .

SUPERVISOR YUDELSON

. . . well, you know, this is basically . . .

NICOLE HAIR, 4 STILL POND WAY

. . . which are the rentals.

SUPERVISOR YUDELSON

. . . coming as you know, one of the, based on requests from the neighbors, you know, we certainly can't pass something that applies to one house, but not to your house.

NICOLE HAIR, 4 STILL POND WAY

Well, sure . . .

SUPERVISOR YUDELSON

. . . we just can't do that. So, how is it going to help? It's based on feedback we've gotten and then suggestions from the neighbors. If we heard from the overwhelming number of people tonight that it's not going to help and that you don't want it, I don't think the Board would adopt it. So are you, just so, I'm sure, are you in general in favor of the parking restrictions or not . . .

NICOLE HAIR, 4 STILL POND WAY

No, I'm in general of you guys sticking to the Code and getting rid of more than four (4) cars per, they can fit four (4) cars in any driveway on that street, on any street that I've seen. What they've done on Oak Mills Crossing is, they got the letter and brought gravel in and now they're parking in the front yard, which looks trashy, trashier than parking on the street, in my opinion. So, it is just, I'm about to call the realtor. I mean I'm not, I'm not going to make it my life's work. I have a job, I have kids . . .

SUPERVISOR YUDELSON

Yes, and that's a great example . . .

NICOLE HAIR, 4 STILL POND WAY

It's ridiculous. And, guess who will buy my house.

SUPERVISOR YUDELSON

Yeah, we've talked about this quite a bit in relation to this Code Committee that currently there is no prohibition in Henrietta like most towns' on parking on your grass. I mean, not just your neighborhood, you go around town and you'll see someone pulled off of their driveway onto the grass, you know, are we going to prohibit that? But, if we prohibit it, it goes through the whole Town, and I'm not sure that would . . .

NICOLE HAIR, 4 STILL POND WAY

I'm just wondering how, why we can't enforce that, but if I build a shed in my backyard without a permit, I guarantee you . . .

SUPERVISOR YUDELSON

Can't enforce what?

NICOLE HAIR, 4 STILL POND WAY

If we can't enforce the four (4) car thing with a ticket . . .

SUPERVISOR YUDELSON

We can enforce it.

NICOLE HAIR, 4 STILL POND WAY

Well . . .

SUPERVISOR YUDELSON

If somebody calls us and we go out and find that documentation of it, we enforce it. I know we've written some notices of violation in that neighborhood just recently. I've given the Code Enforcement people, I told you I've gone down several weekends in a row late at night, and I've come back and the houses, a couple of them are right there at the, in the like, around the one hundred something Oak Mills and seen five (5) or six (6) cars and we've sent out notices of violation on it.

NICOLE HAIR, 4 STILL POND WAY

It's very frustrating.

SUPERVISOR YUDELSON

Absolutely, it is very frustrating.

COUNCILWOMAN ZINCK

I think once you start doing that, hopefully the message gets around that they're beginning to enforce this and hopefully it changes some behavior. I mean, that's our hope. We certainly understand where you're coming from.

SUPERVISOR YUDELSON

That's also part of, as far as considering parking regulations like this and knowing that in enforcing the four (4) cars in the driveway, that if we didn't put something like this in place, they'll just go out and park on the street. So, you kind of have to do things together.

NICOLE HAIR, 4 STILL POND WAY

Right.

COUNCILMAN MULLIGAN

How many put gravel in the yard?

NICOLE HAIR, 4 STILL POND WAY

Oh, at least one. I don't know . . .

*(From audience, "Oh, I think there's six (6).")*

NICOLE HAIR, 4 STILL POND WAY

Oh, I didn't know, I just saw one.

*(From audience, "They added about three (3) or four (4) feet on each side.")*

SUPERVISOR YUDELSON

Well, and before, they were parking in that area off the driveways, they just didn't have the gravel. They were parking so that they could fit, in a two (2) car driveway, fit more cars.

COUNCILWOMAN ZINCK

But, you're still only allowed four (4) cars, so, that's where the vigilance comes in and I know, you know, we have lives but you know what, people have to be accountable and sometimes we need to do our diligence in calling it in and letting us know when it's happening.

NICOLE HAIR, 4 STILL POND WAY

Okay, because if you've drove by there that many times, did you not see the gravel or no?

SUPERVISOR YUDELSON

I saw it.

NICOLE HAIR, 4 STILL POND WAY

Okay.

SUPERVISOR YUDELSON

There's no rule in putting gravel down on the side of your driveway.

NICOLE HAIR, 4 STILL POND WAY

I mean the cars parked in the front.

SUPERVISOR YUDELSON

Well, the ones that, yeah, I've seen the driveways, but a lot of times I'll come by, and there not, you know, there's four (4) cars in there because they're out and about or whatever. I've come by, when I come over there, I'm usually, I guess by the time I go down your street, Carol, and all through there a couple times, there for twenty (20) minutes and a lot of times I'll come and they'll be five (5) cars in the driveway, but then before I leave the area, two (2) of them have left.

COUNCILWOMAN ZINCK

He's kind of like a stalker these days. He is over there a lot. *(Laughter)*

SUPERVISOR YUDELSON

You know, it's the same thing that we say, that if it's not a renter, if it's you or someone else and you have somebody over until 1:00 a.m., you know then you have five (5) cars there, but then later you have three (3), that's where I think we have to revise that Code to kind of put more criteria with it. The intent to the code thing is good so you don't have six (6) cars there all the time, it just needs more specifics, which is why we have the Code update Committee.

NICOLE HAIR, 4 STILL POND WAY

All right. Thanks.

SUPERVISOR YUDELSON

Thank you, very much.

*(From audience, "I have one more point.")*

SUPERVISOR YUDELSON

Can I get somebody who hasn't spoken yet and then I'll give you a chance? Sir?

RANDY SCOTT, 27 REIDS GROVE

My name is Randy Scott. 27 Reids Grove. I do want to thank you for having this meeting, Mr. Yudelton, you know I've contacted you several times through e-mail complaining about this. Maybe what's different from the neighbors that are here, I've been complaining about this problem since probably 2006 with the rental property. What have, and I'm going to refer to what you've wrote in this letter that you wrote to the neighbors, you wrote, '*A level of non street parking that exceeds most neighborhoods in Henrietta.*' And, we have this problem because we have a very unique situation. We have a situation where we have one (1) builder that the Town has allowed to come in and build homes with the sole intent to rent them to college students. My area right now is basically college town, USA. That's what I refer to it as. I hope that you take that into consideration when it's time to look at my taxes as far as how much rental property because we know that a rental property does bring down the value of homes and it's been stated before that you guys wouldn't want them in your area and it's at the point now where I've been complaining, I've been complaining, and now something is finally being done, but at the same time it's at the point where I feel like it's maybe a little bit too late because now my life, my normal way of life is being disrupted because now I do want to vote for the parking violations, however, it does change things that are going to happen for me, as you said before. A perfect example; if I have my driveway that's going to be paved, where do I park now? I can't park on the street after 11:00 p.m. because I have to have it paved, but this wouldn't have been a problem if we did not

allow this to take place. If we have twenty-four (24) homes by one (1) builder that has these homes, and he has four (4) students, that's ninety-six (96) people, ninety-six (96) college students that are living in the area. This is a massive problem that I felt that could have been prevented. I've also inquired in the fall of 2008, I sent out an email requesting for something to be established so that we could not have one (1) builder building the homes with the sole intent to rent to college students because again, it brings down the value of the homes. I did not get a response for that, but again, we're at the point where we're changing our way of life because of what has been allowed to take place. It's frustrating, it's disturbing, and now when I, I think it has to be taken into consideration if this parking violation, or this parking restriction does come into place that there needs to be a point of a permit for, a perfect example is there's a boxing match that comes on pay per view in November, so if I decide that I want to have some friends over to the party, now I have to worry about them getting a ticket. Do I tell them they have to park at the north end and walk all the way down? I don't want to pay for a permit. I know the Town likes to have permits, maybe that's a way to create revenue, but again, it's disrupting my normal way of life because I have all of these situations that I have to take into consideration now and have to say I want you to vote for this so that when I'm sleeping at 2:00 a.m. I don't hear a bunch of kids running to the car. I don't blame the kids; I don't blame the college kids. It's a nice place for them in what they want to have. They want to be off campus, fine, I basically have a dormitory right in my residential area, which was not supposed to be that way. I wish you guys would have taken more of an action sooner, but I hope that we can do something to prevent him from building more homes because now that there's uproar in the neighborhood, he's going to grab more homes and build them. He's making money off of them. I don't knock him from making the money off of them. I blame the Town for allowing this to happen, and I'm hoping that the Town will create some type of legislation to prevent a single builder from building homes with the sole intent to rent to make money in the residential area, and that's what I'm hoping will take place. *(Applause)*

#### SUPERVISOR YUDELSON

Thank you, Mr. Scott. I appreciate, too, the number of times you've been in contact with me on that and you know, toward your point of what the Town did or didn't allow, I think that's a difficult thing in that some of what you suggest as far as the Town allowing the builder to build for the purposes of renting, I'm not sure, and again, not to ask the Town Attorney for instant legal rulings, but I'm not sure the Town has any authority to pass a law that prevents someone from renting their home or building with the intent to rent their home. I'm not sure that would pass a constitutional challenge, and you know many people on the other side of the coin would consider it unfair. And, that's really right at the heart of the issue. Some of the zoning laws that have existed all across the Country that limit who can live in a house, you know, whether they're related, different variations of that, or in this case we're talking about college students, have almost uniformly found to be, when challenged, unconstitutional. Mr. Mastrella, I won't put you on the spot like for an instant ruling, but if you're able to speak to that at all as far as the Town Board's

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ability to pass any kind of legislation like that, if we're using the framework of constitutionality as a guide.

DANIEL MASTRELLA, TOWN ATTORNEY

What's proposed by Mr. Scott is beyond the authority of the Town Board, without question. There are building requirements for single family residences that presumably the builder is building within those requirements. We're struggling with and the Code Committee is going to make it a priority to try to address the situation of unrelated persons, and in this neighborhood it's by and large apparently college students, but if a number of unrelated persons living in the same dwelling, there have been a number of cases over the past decade or two (2) addressing this topic, and you know there are constitutional rights to freedom of association, etc., and there are limits of what a town can do with its police powers to ensure safety, to try to improve traffic safety, lessen congestion, etc. The bottom line is if a single family residence can have eight (8) related people living there, you can't just by sheer numbers say that you can't have four (4) unrelated people living in the house next door.

RANDY SCOTT, 27 REIDS GROVE

Isn't that, but the Code does state something in there . . . ?

DANIEL MASTRELLA, TOWN ATTORNEY

Our Code does and needs to be revised because it doesn't meet what the courts have now made the constitutional limitations on what the Town can regulate.

RANDY SCOTT, 27 REIDS GROVE

Has anyone challenged that in Henrietta?

DANIEL MASTRELLA, TOWN ATTORNEY

In Henrietta, no, but I have to tell you this the same statute has been successfully challenged in New York State and the fact of the matter is that the Town is going to struggle with a statute that's going to be less restrictive than this one because what it's going to have to in essence do is say there's a presumption that if four (4) or more unrelated people or whatever the number ends up to be, are living in a household that they are not a single family, but it's only going to be a presumption, those four (4) people or five (5) people, or six (6) people can come in and say, 'Wait, we function as a family, we may not be related by blood, but we function as a family, and we can demonstrate that, and they can rebut the presumption. This all will create significant proof problems that you know, you see six (6) cars in the house across the street, but it's going to be up to the Code Enforcement Officer to come up with a mechanism for if he's actually going to court for proving that there are five (5) people living here or six (6) people living here, and then proving that they're not related. So, it's not a simple easy thing to address. There are restraints on what the Town can do and then once, and the Town is doing its best to try to come up with a solution, but it's not going to be done just by the Code, the

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Supervisor is actively engaged with the University, he's actively engaged with many segments of the community in trying to address this, and you've heard from the Town Board members, you know, it's frustrating at our end. We're working at doing something to try to make the quality of life better in your neighborhood and throughout the Town, but it's not like we have carte blanche in the ability to just pass regulations that are clearly unconstitutional.

RANDY SCOTT, 27 REIDS GROVE

Well, I hope that we can try something that would be affective, but I hope most importantly that the Board would fight as if it's their home surrounded by ninety-six (96) college students, is what I hope most importantly because again, I understand what you're saying, but it's not helping me solve the situation, it's not lowering my taxes, it's not giving me a better quality of life. I do appreciate the effort that you guys are putting forth, and I don't want to leave without saying that, however, it does not leave me that I'm not frustrated because again, I've been complaining about this for awhile, and I hope that the Board does fight for it as if it's their home surrounded by ninety-six (96) college students. *(Applause)*

SUPERVISOR YUDELSON

Thank you, Mr. Scott. Ma'am?

MARTHA WINDREM, 570 SHORE DRIVE

Martha Windrem, 570 Shore Drive. I'd just like to throw out some suggestions. Is it possible for the Town to install speed bumps?

SUPERVISOR YUDELSON

On which street are you talking about?

MARTHA WINDREM, 570 SHORE DRIVE

Well, I'm thinking . . .

*(From audience, "Chesapeake . . .")*

MARTHA WINDREM, 570 SHORE DRIVE

. . . where the four (4) way stop is, if there . . .

COUNCILMAN MULLIGAN

We've done them in the past with mixed results.

MARTHA WINDREM, 570 SHORE DRIVE

Is it possible for the Town to have a camera of some sort for traffic violations, and if the Town can't do that, I know they . . .

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SUPERVISOR YUDELSON

Well, the Town doesn't enforce, we don't have the authority to enforce traffic violations, the Sheriff's Department does.

MARTHA WINDREM, 570 SHORE DRIVE

So, could we as a group, contact the Sheriff and say we want a camera posted at this four (4) way stop and we want prosecutions of people who don't stop?

SUPERVISOR YUDELSON

Well, we certainly, yes, that could be submitted to the Sheriff's Department, you know, do they have the resources to put cameras at every place . . .

MARTHA WINDREM, 570 SHORE DRIVE

Well, I'm sure they don't, but maybe the neighbors can get together and if the four (4) way stop is a classic place and just start to enforce, and the other thing is that in just the five (5) years that I've lived there, I'm on Shore Drive, I used to be on a little dead end street and now all of a sudden I'm on a thoroughfare. Do these streets have to be connected? Can we disconnect? So, for example, Oak Mills Crossing used to come to an end and it was somehow joined and Shore Drive was joined at the other end. Is it possible to chop up the neighborhood some more so that we don't have these long streets?

SUPERVISOR YUDELSON

Well, in terms of, you're saying actually disconnecting streets that exist or in planning future streets in Town?

MARTHA WINDREM, 570 SHORE DRIVE

No, just . . .

COUNCILWOMAN ZINCK

You're talking just disconnecting existing . . .

SUPERVISOR YUDELSON

I think, it's probably the same answer for both when those things are laid out, which ultimately gets approved by the Planning Board, usually they are looking at connecting streets in the interest of providing access of emergency vehicles because cul-de-sacs provide a real problem for fire trucks and other emergency vehicles, as well as school buses, etc. I'm not sure that that would really have the, even if we could do it, the benefit that you're thinking . . .

COUNCILWOMAN ZINCK

It solves one problem, but kind of creates another. The other thing on the speed bumps, and Rusty, I hate to ask you to do this, but I know you've gotten up before and explained

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to us how sometimes speed bumps create more problems than they've solved, can you enlighten, I'm sorry, but can you enlighten the audience.

SUPERVISOR YUDELSON

Mr. Martin is our Highway Superintendent.

RUSSELL MARTIN, HIGHWAY SUPERINTENDENT

The experience that we've had in the past with installing speed bumps, the residents that requested them in the first place were the same ones who after they were installed for a few months begged us to come back and remove them because they didn't solve the problem and they created a lot more noise as trucks bounced over the speed bumps and some of the drivers that were a little more adventurous decided to see if they could go air borne as they flew over the top of the speed bumps. So, that's some of the mixed reactions that we've had, and you have to be very careful where you install them and the manner in which you install them so that they're legal and that we're not creating some kind of liability for the Town where we're going to create an accident if somebody does take them at too high a rate of speed.

COUNCILWOMAN ZINCK

Thank you.

SUPERVISOR YUDELSON

Thank you, Rusty.

COUNCILWOMAN ZINCK

I mean that's just one of the educational pieces we've had as we've sat on the Board, a lot of times we're like, can't you put a stop sign there or a light there, or a speed bump there, sometimes it creates more of a problem than it solves. So, just I thought that might be helpful. Thank you, Rusty.

MARTHA WINDREM, 570 SHORE DRIVE

Okay. Last ditch suggestion, can we have a moratorium on building on the basis that, for example, on Shore Drive, those, I think they're five (5) of them, they were clearly deliberately built, it's a dormitory. It has tripled the number of cars on this little street. There's not even a white line down the middle of the road. I don't think we have the infrastructure for more houses there. Is that even a possibility?

SUPERVISOR YUDELSON

I don't think a moratorium could address such a narrow, at this point, very narrow focus like that because a moratorium is put in place for, in considering future legislation, and we would not have again, like a zoning, that's just for the end of Shore Drive.

*(From audience, Carol Burritt, "Well, for future legislation, we don't want to have*

*anymore dormitories on the street. Maybe that could be put in place?”)*

COUNCILMAN MULLIGAN

What's the status, Mr. Supervisor, of these five (5) or six (6) lots that the residents are talking about becoming future dorms? Has that been approved by all the different Boards, is that a go, or is it pending . . .

SUPERVISOR YUDELSON

Are you talking about down at the end of the street?

COUNCILMAN MULLIGAN

Right.

SUPERVISOR YUDELSON

I don't even know that anything has been submitted. Mr. Ekwel, are you able to tell us, has the builder developed, come on up to the mic, if you don't mind, and tell us if you're aware, has the builder even submitted anything as far as interest in the building at the end of Shore Drive?

TERRY EKWELL, FIRE MARSHAL/BUILDING INSPECTOR

No, he has not.

SUPERVISOR YUDELSON

Okay, so we don't even have anything submitted as far as houses. Obviously, the term, "dorm" was used but they would be more single family houses because that's what it's zoned for. Is there someone else who would like to speak? If you don't mind, Carol, I'll call this gentleman who hasn't spoken and then we'll have you come up again.

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

My name is Salvatore Timpani and I live at 111 Oak Mills Crossing, and let me just start off with that suggestion, speed bumps are good in certain situations, but where I live I think it would be just a challenge towards the college kids that see how high they can get up, you know, like you said. But, we built our house four (4) years ago, and at that time, there was a couple rental properties right there, but we had no idea what we were in store for. We are right in the middle of like, I haven't counted them in awhile, I always loose track, but there's probably like nine (9) or ten (10) brand new within the past couple years college rental houses and they are so closely and tightly packed together that, I mean nothing against the city, but it looks like a city neighborhood. They're so close, there's no, they have small front yards, it makes the neighborhood look bad compared to other parts of the neighborhood, and I do like what the builder did, even though it's still against Code, but I do like what he did widening their driveways. At least it gets the cars off the road so emergency vehicles get through.

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SUPERVISOR YUDELSON

Just to interrupt you for a minute, Mr. Timpani, the number of cars in the driveway might be a violation of the Code, widening the driveways is not a violation of the Code.

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

Right, that's what I meant.

SUPERVISOR YUDELSON

Okay, just to clarify.

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

I mean, the number of cars is still a violation, but I'd rather have them in their driveways than on the road, you know, I don't have to hear kids running by my house, you know, throwing beer bottles in my yard like I get every weekend, so I like the fact that he did that. I don't really know why he did that other than he probably heard about this meeting, and he thought that he'd be able to get away with that, but so little changes like that I'm glad to see. At least it proves that the builder is listening to some of the concerns that we have, but you know, I'm open for suggestions that we can bring to the builder or bring to you guys because I know I've been in contact with you and so has a couple of other . .

SUPERVISOR YUDELSON

So, you're right there on Oak Mills Crossing, how do you feel about these regulations? Would you like to see them enacted by the Board?

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

You know what, we have people at our house because my wife and I both come from large families and we have a lot of friends, we have a couple big parties every year, and I don't know if there could be something where for a certain time period if there's so many cars in the road, they can get a ticket, but if they're there for just a couple hours, that's going to be hard to enforce. We are kind of kicking ourselves if we approve this because if some college kid or if anybody gets a ticket and then they see us having a party, and you know, they can call and get a ticket on us too, we won't like that, so I'm either way, I'm for and I'm against it.

COUNCILMAN MULLIGAN

In the residential dorms that you're talking about near your home, are there a lot of parties there on Friday and Saturday night, or not?

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

Not every weekend, for the longest time there was, like mostly last school year. I think these kids this year are a little calmer, but there have been plenty of parties, and we're one of the ones who, you know, my friend always jokes with me, "Oh, you're the old man looking out the window in the house calling the cops on the kids." Well, essentially he's

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right because my kids, they wake up easily and I'm not going to put like an extra layer of installation on my walls so my kids cannot get woken up by these parties. So, there is parties and when there is if they get out of hand, I call up the Sheriff and for the most part, they do pretty good about getting out there relatively quickly in trying to break the parties up and sometimes break up fights and things like that. So, where I am located in the neighborhood, it's pretty bad.

COUNCILMAN MULLIGAN

Living in that kind of environment, do you want to stay there or will you sell . . .

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

No, we're already looking for land elsewhere to build and yeah, I don't want to move because I hate moving and we built this house thinking it would be our main house for our life, or at least until our kids graduate high school, we do have a four (4) year old and a two (2) year old, so that's awhile from now. But, now we're seriously considering moving if nothing gets done. I talked to a few neighbors, and I'm willing to do some things and so far it's just been you know, just reporting what we see. I think something more needs to be done.

SUPERVISOR YUDELSON

The report, when you mentioned some of the things like fights or whatever the other incidents, even if they're not as drastic as that, as I mentioned is about letting me know particulars, I know a lot of times, you know, you might say you and I have communicated about this, so you might say, well, he is aware of the situation, but in addition to just kind of building up a record on what's gone on, you know, the R.I.T. officials are ready to and want to pursue these individual incidents with students. They have, in the meeting today, they mentioned that even though students are living off campus, they still have a lot of leverage with them, some of them are involved with sport teams, you know, there's all kinds of different things that can be something that they stand to lose, whereas some of them, even in some of the things that we do, you know, a parking ticket that goes on their car that's registered in California, we might never be able to, you know, the court system might never end up collecting on that ticket, but some of the things that would be more important to them are some of the things R.I.T. officials can help us with. They're working to establish how they want that report, they want to have for the neighbors and for the Town one point person because at the meeting there was probably eight (8) different departments represented, Student Affairs and campus housing and all that, but one of the things they made sure that we're aware of is the students who live off campus are subject to the same code of conduct as those who live on campus. One of the interesting things that came out of this meeting is that R.I.T. does not know where all these students are, I guess because of privacy issues and all that. Not only do a lot of the students register out of their houses, but again, because of these privacy issues, they have the ability, the students, to go in and delete some of their personal information that's in the school's databases, so if they don't want their address to show or any other

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record, there's a lot of that stuff they can do. I did ask the builder by email after that meeting for a list of who lives in his properties, who are his tenants so that the school can kind of, you know, they said we'll know a lot of the kids, we'll know, again, trying to think of some of the proactive things that can be done, we'll know the students that maybe we can engage to try and help us with this situation, we'll also know the students who are maybe the ones that have some past incidents on their record and can follow up with them, too.

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

On a side note, I doubt you're going to get more than four (4) names per house. That's just my inclination.

COUNCILWOMAN ZINCK

We're going to make it really difficult on those four (4).

SUPERVISOR YUDELSON

We'll see what he comes up with.

*(From audience, "They're all graduate students.")*

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

Another thing I was thinking, you know, these things are, he's running basically an apartment complex, I mean, is there, I'm sure official apartment complexes over by Wal-Mart or whatever, I'm sure they have some sort of regulations that they have to apply for or license or whatever, I'm sure the answer is no, but is there some sort of restrictions we can place on the builder or make him get some kind of permit because he's basically renting out a large number of properties, to me, that's an apartment complex.

*(From audience, "How are these kids finding out about these houses for rent?")*

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

He admitted a long time ago, probably a couple years ago that he goes to the college and gives them the information, which I don't think there's anything illegal about that.

COUNCILWOMAN ZINCK

No, but the permit . . .

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

It's annoying, but I'm sure it's not illegal.

COUNCILWOMAN ZINCK

The permit recommendation that you made is certainly one of the things that this Committee is looking at because some other towns do have it, so, those are things that

will be looked at, absolutely.

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

Another reason we're considering moving is because we got two (2) little kids and they can't play in the front yard because I know they're going to hear it eventually in their life, but I don't want them at this age hearing all the swearing that goes along with all these kids. I don't want them getting hit by the cars speeding around the corner of Reids Grove onto Oak Mills, I don't want them getting hit by the cars seeing if they can go eighty-eight (88) miles an hour down Oak Mills the whole way from the cul-de-sac, you know, and another thing that I don't like about this whole situation that the builder who is building all these houses because my kids can't play in the front yard, I had to build a fence to fence in my backyard and because I live on the corner, Town Code says that I got to take a third of my yard, which I can't fence in, I have to leave that open to the street, you know, so that's another thing that I'm kind of upset about. So, I lost a third of my backyard because I wanted to put up a fence so my kids could be safe, but I know that's for another situation. So, thank you.

SUPERVISOR YUDELSON

Thank you. Was there someone else? Sir?

AARON BLUESTONE, 27 STILL POND WAY

Hello. My name is Aaron Bluestone and I've been the owner for about a year and a half and resident of 27 Still Pond Way. I am an R.I.T. grad and I lived on campus and downtown, a combination, never actually in Henrietta when I was a student. I'm an engineer at Xerox now and I plan to be around the area for awhile. I feel like I got a good perspective from both sides. Now, my initial instinct was the parking idea was genius. It's going to solve a lot of problems. I have neighbors on one side who mow their lawn twice a year when I call them and basically that's it, the landowner will come out with a tractor, plow it down and it's all weeds, and it's really annoying to me because it's something that he's just avoiding things that could be easily taken care of to save pennies on the dollar, you know, if he's got all these units. I'm against the motion to go with the parking that you've come up because I don't think it's really going to solve the problem. I think you're going to see more cars on the lawn, which you can't stop. It's just pushing the problem around little bit and won't really change a lot. I do though, applaud and commend the fact that you are going after the right problem. I want things to change so that we can have a better neighborhood, something where property values increase legitimately not just because more money is needed by the Town or because you can. It just feels to me, overall, that it's easy to look to the college students as being the problem, and going after individual college students or a few of them will never work. They'll be new ones next year. But, what we do know is at the root cause of this whole thing there are maybe at most five (5) people, they're the ones who own so many of these properties and have so much of an impact over our neighborhood and there's a lot of regulations and things in place that can be dealt with if you look through the Code, you

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realize who the people are and you either come to agreements with them that solve our problems or you make their lives miserable. It's easily done, we don't have to change regulations, we just need a focused effort to get that out of the way. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Anyone else who would like to speak? Ma'am?

JANET WHITAKER, 560 SHORE DRIVE

Hi, I'm Jan Whitaker. I live at 560 Shore Drive, and first of all, I'd like to confirm Carol's comment about the fact that that crest on Valley View Drive where it meets Shore Drive is a very dangerous intersection. I walk the dog there, and I'm getting really agile in my old age, dodging cars, and ducking behind cars as people go speeding up down the hill because it is a very blind intersection. Secondly, I realize you cannot vote beyond the scope of what you set forth in the parking regulations, but I do note that where I live on Shore Drive, nothing at all is mentioned about parking there. So, given the fact that if you squeeze the people off the other end of Shore Drive, and you squeeze the people off Valley View Drive, I think the oozing is going to go onto my end of Shore Drive because the overflow has to go somewhere and the logical place is the designated area that hasn't been outlined in this program.

SUPERVISOR YUDELSON

Well, it does have no overnight parking would be allowed after 11:00 p.m. on both sides of Shore Drive from Valley View Drive to York Bay Trail.

JANET WHITAKER, 560 SHORE DRIVE

Right, but not up until 11:00 p.m.

SUPERVISOR YUDELSON

Right, and again, these that we drew up were done basically on where we were getting the feedback from, and as you say, that particular stretch that both you and Carol mentioned might need to be addressed, we can't do it within the context of tonight's resolution because it wasn't part of the notice for Public Hearing, so legally it wouldn't have effect if we did that, but that doesn't mean it can't be done at another time. But, it's also interesting in hearing the feedback from the people tonight, and really appreciate the time you took and the thought you put into your comments that, I won't speak for other Board members, but I'm struck by the realization of a lot of people that although this might be something that addresses issues in one way, it's probably not the answer to the overall issue, and that's why even though to some it sounds kind of like the usual line, I really do think that the, for all the different regulations that can be considered, the only thing that's going to finally impact this as far as behaviors in the neighborhood is trying to figure out ways to possibly engage and be proactive with these residents. I think somebody, one of the speakers just mentioned before that that would have to be an

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ongoing thing because the R.I.T. people cautioned me about that in both the meetings we had that especially with their calendar, with the trimesters, they have people coming and going all the time and they said they have no doubt, although they don't have records on these rentals, that somebody rents one of the rooms in the house for however long a trimester is, a dozen weeks or so, and then they go off to do a co-op in New York City and then somebody else moves in and they move out, and the other person moves back, so that, it's really having to figure out how to engage whoever the current residents are. Is there anybody else who wanted to speak or any comments from the Board?

COUNCILWOMAN ZINCK

No, I just want to add, I think the resident piece is very important, but I really do think your point is well taken, the last speaker that we also have to hold, whoever owns these homes, need to be a lot more accountable, and so we need to find that solution, as well.

MARK KWIATKOWSKI, 114 VALLEY VIEW DRIVE

Hi. My name is Mark Kwiatkowski. I live at 114 Valley View Drive. I moved into the neighborhood about three (3) years ago, and I can say I've seen quite the expansion in the neighborhood. I want to tie something in with the parking issue, and reiterate something that was said earlier by a few other people and it has to do with the speed. Now, I live on Valley View Drive and I have noticed since they've built the five (5) houses on Shore Drive, the people coming from there and going to there are doing it with excess speed. My concern is there are quite a few small kids that live on Valley View Drive, and I just have a feeling in my bones that something is going to happen one of these days. I don't know if there's anything the Town can do to address that issue? Maybe talk to the builder; draft a letter to get out to the tenants, but something is going to happen there, especially with winter coming and the ice. I see it every day because at the time I'm home, most of the time during the day and I see a lot of things going on, and I'm here to tell the Town something is going to happen to one of these kids if it's not addressed. I'd hate to see that happen. Thank you.

SUPERVISOR YUDELSON

Thank you, very much. Anybody else? Okay, Carol? One more time. Carol Burritt, 620 Shore Drive.

CAROL BURRITT, 620 SHORE DRIVE

You got it! (*Laughter*) One of the very satisfactory things I've heard tonight is the concern that some of the things that are being planned might affect people who are already there, a part of the neighborhood, and yes, if you want to have a family reunion you might be affected by the idea that you can't park on your own street and I think that's an important point and it has to be remembered as we do all of this. For one thing, if you people wanted to have a family reunion, I wouldn't be calling the cops on them. It's about neighborhood and it's about people who live together. It's something I've always valued in Henrietta. The neighborhood I moved from on Countess Drive, I still keep in

touch with those people because they were wonderful and we still kind of support each other about the pond and we meet and we talk about it because I lived with them and they were important people to me and hopefully in my new neighborhood it's going to be the same way. So, in everything we do we have to consider that this is a neighborhood and this is where people live and they raise their children and they're concerned about them not getting hit by cars and their concerned about the idea that someone who doesn't live in Henrietta and probably thinks we're not as good as the "P" suburbs. (*Pittsford, Perinton, etc.*) Not my own, I heard that from someone else. We're not quite as important as they are and we're a place where you can make profit and just get out of town, and we're not. So, I want to make it very clear that they need to be held accountable and they need to be made responsible, and maybe if they have to put a little more effort into it and maybe a little more of their own money and whatever, they'll think twice the next time they want to put five (5) dormitories up in somebody's neighborhood and ruin somebody's summer, as they did mine and my neighbors. So, you know, I guess I'm just saying Henrietta needs to put a little more muscle into what they want, what we want for our town, and it's not just business and it's not just taxes for any reason, it's neighborhoods, and it's people and it's community. That's all. (*Applause*)

SUPERVISOR YUDELSON

Thank you, very much. I would just mention as far as one clarification, this is on the Agenda for possible action by the Board tonight, and one of the options the Board has, we'll each have to sort out what they heard tonight, but as was mentioned in the letter, this was the largest scope of what the Board could act on tonight. They could, based on what they heard, pass any portion of that and then consider later on, they also could decide they want more input, more feedback from residents and not take action, but it is, we're just about ready to start the Resolutions, and it is the second one, so we'll get to that point quickly. Anything else from the Board, at this point? If not, and just as long as everybody's spoken that wanted to, I'll close this Public Hearing, and thank you, once again, for your input, and now we'll proceed with the Resolutions.

RESOLUTION #19-185/2009

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

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

EXHIBIT A	Bills Payable dated 10/7/2009	\$ 293,157.60
EXHIBIT B	Manual Bills Payable	\$ 8,732.18

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #19-186/2009

On Motion of  
Supervisor Yudelton

Seconded by  
Councilman Mulligan

WHEREAS, a Public Hearing was held at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York at 8:00 P.M. before the Town Board of said Town to consider amendments to the Code of the Town of Henrietta, Chapter 273-6, entitled, "Vehicles and Traffic, No Parking Anytime", and

WHEREAS, all members of the public who wished to comment were heard and considered, and

WHEREAS, the Town Board believes the following amendments to Henrietta Town Code, Section 273-6 are necessary and appropriate to address issues of safety and quality of residential life in the affected areas.

THEREFORE, BE IT RESOLVED, that the caption of Henrietta Town Code, Section 273-6, be amended from "No Parking Anytime" to "No Parking Zones."

BE IT FURTHER RESOLVED, that the following amendments be adopted, per the attachment, and be effective ten (10) days from publication, as provided by Law.

BE IT FURTHER RESOLVED, that the Town Clerk be hereby directed to add said amendments, as adopted, to the Code of the Town of Henrietta.

SUPERVISOR YUDELSON

So, now, we have that before us and it's for the Board to process what they've heard and let us know what your inclination is at this point.

COUNCILMAN MULLIGAN

I'd like to support it. I think it's the first step of many we need to do.

COUNCILWOMAN ZINCK

I'll be honest with you; I came in totally wanting to support this and at this point I'm kind of sitting on the fence because part of me knows it's a good first step, but part of me also thinks, are we really creating other problems with this Resolution? So, I don't know, I

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mean, I did come in totally fully supporting it, but I'm not sure from what I've heard here that I'm feeling the support from the neighbors either.

SUPERVISOR YUDELSON  
Councilman Moore?

COUNCILMAN MOORE

I got to tell you when I came here tonight I thought that I should totally support this, and I have since heard from some people that maybe we shouldn't. But, I think it's a first good step and I think I've got to weigh in that I would support this Resolution, but I also heard the gentleman with the red coat, and I like your red coat, that we really need to go after the people that are ruining the neighborhoods, and that's the landlords . . .

COUNCILWOMAN ZINCK  
Yes.

COUNCILMAN MOORE

. . . and that we've got to somehow address that issue in our Code, and I think sooner than the Code Committee is going to be done with it. *(Applause)*

SUPERVISOR YUDESLO

And, I'll just add that, again, I think overall it is a good first step, although, not perfect. I agree with some of what the Town Attorney has said that ultimately, it's going to be hard to address some of the issues that are right at the bottom line of what causes the distress in the neighborhood through things like this, they're a tool, and when I say that, I guess I would want to point out that the way that we use this and enforce this, not to say it would be enforced against some and not against others, but in general with any of our Codes and the enforcement of them, we're not waiting for somebody to park at 11:01 p.m. or you know when we have our winter parking rules at two minutes after 2:00 a.m. to run out and slap a ticket on there. But, on the other hand, right now when the Sheriff's Department is called, they don't really have any mechanism for responding. When they came to that party a couple weeks ago on Shore Drive, I got a copy of the report and they said they came, there was lots of cars, nobody was parked illegally because it's not posted for anything, they went to the door, they talked to the students, you know, the residents who were very respectful, they saw no signs of underage drinking, but of course you know, they're probably not going to see that, and so there was nothing they really could do. Whether it's the Town or the Sheriff's Department, I think they are judicial in kind of deciding how to apply the Code in that this would give us again a tool when somebody lets us know, hey, there's a party every Saturday night, there's the problem when we send someone over that they have the ability to have something to do to be able to issue a ticket, whereas right now we only have that ability during the winter parking, the time the winter parking rules are in effect and that's only from 2:00 a.m. until 9:00 a.m. So, I think overall it's got more pluses than minuses and of course as the

Town Board knows if it didn't have the effect that we're hoping for and added somewhat of a negative effect, the Town Board could always change it at that point. So, weighing all those things, I would be in favor of this.

COUNCILWOMAN ZINCK

Yes. It does give it some teeth, I mean, I do agree it gives it some teeth, and if we find down the road it doesn't work, it is something we could turn it around. So, with that, I would support it as well.

SUPERVISOR YUDELSON

I would just add, I think you raised a good point about a safety concern and it might have to be adjusted with the Code, but I'm sorry Rusty, I didn't ask you this while you were up here, is some of that situation on Valley View Drive, you might as well start up because I'm going ask you to respond on the microphone, addressed by, are there some kind of blanket codes about how close to an intersection you can park and can part of that any way, as to what I was thinking, can it be posted based just on existing codes, vehicles and traffic or town codes?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

The problem they're referring to, I'm familiar with, and it's not close enough to the intersection to be covered by normal vehicle and traffic code, and I believe the, the way you've got this written, what you're proposing to pass is No Parking Anytime on the south side and the no overnight parking on the north and based on what you've heard here tonight, I would say you may want to consider at some point, making it No Parking Anytime on both sides, instead of just the overnight parking on the north side. The north side is where the problem is, but if you post that side chances are they're going to just park on the other side of the inside of the curve, which isn't any better.

SUPERVISOR YUDELSON

Okay. So, we might have to come back.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

You might have to adapt that.

SUPERVISOR YUDELSON

We'll address that. Okay, thank you. Any other discussion from the Board? If not, call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye



RESOLUTION #19-188/2009

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Moore

WHEREAS, Certiorari proceedings have been commenced by various property owners to challenge their property assessments in the Town of Henrietta, and

WHEREAS, Arnold Goldman was hired by the Town of Henrietta to act as the Special Counsel in Certiorari proceedings, and

WHEREAS, Mr. Goldman has submitted an invoice for said services.

THEREFORE, BE IT RESOLVED, that the Director of Finance be authorized to pay Arnold Goldman of the firm Goldman and Goldman, 3 Leeward Lane, Rochester, New York 14618, the sum of \$10,450.00 for services rendered.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #19-189/2009

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, Resolution #15-152/2009 authorized the advertisement for bids for the Wildbriar Road Sanitary Sewer Repairs Project, for the spot repairs to the existing sanitary sewer, and

WHEREAS, three (3) bids were received, and the low bid, meeting specifications, was received from B. Beardsley Management and Enterprises, Inc., for a total cost of \$92,500.00.

THEREFORE, BE IT RESOLVED, that B. Beardsley Management and Enterprises, Inc., 7027 West Main Street, Lima, New York 14485, be hereby awarded the bid.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay B. Beardsley Management and Enterprises, Inc., in an amount not to exceed \$92,500.00 upon successful completion of said work and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #19-190/2009

On Motion of  
Councilman Moore

Seconded by  
Councilman Mulligan

WHEREAS, Resolution #16-169/2009 authorized the advertisement for bids for the Crimson Bramble Road Sanitary Sewer Repairs Project, for the spot repairs to the existing sanitary sewer and replacement of existing sanitary manhole on Crimson Bramble Road, and

WHEREAS, two (2) bids were received, and the low bid, meeting specifications, was received from B. Beardsley Management and Enterprises, Inc., for a total cost of \$46,450.00.

THEREFORE, BE IT RESOLVED, that B. Beardsley Management and Enterprises, Inc., 7027 West Main Street, Lima, New York 14485, be hereby awarded the bid.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay B. Beardsley Management and Enterprises, Inc., in an amount not to exceed \$46,450.00 upon successful completion of said work and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #19-191/2009

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

WHEREAS, the Town of Henrietta requires bids for the replacement of Oakwood Manor Pump Station No. 5, for the installation of a new pump station wet well and vault pit with modifications to existing wet well, to conform with construction plans and specifications on file in the Town Clerk's Office with bids to be opened at 10:00 A.M. on Tuesday, November 24, 2009 and received no later than 9:30 A.M. on Tuesday, November 24, 2009.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the replacement of Oakwood Manor Pump Station No. 5, as per cited plans and specifications on file, in the manner provided by Law.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #19-192/2009

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Moore

WHEREAS, the Tentative Budget of the Town of Henrietta for the fiscal year 2010 was filed in the Office of the Town Clerk on September 30, 2009 and was presented to Town Board Members on this same date, and

WHEREAS, Town Law requires that a Public Hearing be held on the Preliminary Budget.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on October 21, 2009 at 8:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Main Meeting Room, Henrietta, New York on the fiscal year 2010 Preliminary Budget.

BE IT FURTHER RESOLVED, that the notice of said Public Hearing be published and posted in the manner provided by Law.

SUPERVISOR YUDELSON

Just for the Record, the Tentative Budget referred to is the one that the Supervisor submits to the Town Board, the Town Board is having meetings on the Budget and after they file their version with any changes with the Town Clerk, they'll be the Preliminary Budget that will happen in the next few days, probably at the beginning of next week, at which time it will be available for public inspection and it will be the Budget that we'll be having the Public Hearing on. I do want to also pass along that the Budget that I submitted to the Town Board calls for no increase in the property taxes, everybody is aware of the economic situation our Country is in resulting in some really sky rocketing costs for us, decreased revenue, this was a Budget we worked very hard on, and I want to thank Mr. Liess, our Director of Finance and Personnel, as well as the Department Heads who followed Budget guidelines that we gave them that were pretty restrictive this year. The Budget we submitted has increase in expenditures of three tenths of one percent over last year, which is pretty significant considering that there was contracted raises in place, in that for instance, or medical insurance alone went up about one hundred and eighty-five thousand dollars (\$185,000), so we worked very hard on it and the Board is working just as hard currently to come up with any changes they might decide to have. Any further discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #19-193/2009

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, the last amended Town Comprehensive Land Use Plan was adopted by the Town Board in March, 2003, and

WHEREAS, the Henrietta Town Board desires to review and update the Comprehensive Land Use Plan, and

WHEREAS, the Town of Henrietta has met with various professional consultants regarding the preparation of an updated Plan, and

WHEREAS, the Supervisor recommends acceptance of the proposal received from Behan Planning and Design for the initial phase of updating the Town of Henrietta Comprehensive Land Use Plan.

THEREFORE, BE IT RESOLVED, that Behan Planning and Design, 274 North Goodman Street, Suite B260, Rochester, New York 14607, be hereby authorized to

provide professional consultant services for the initial phase of the Town's Comprehensive Land Use Plan update, for an amount not to exceed \$12,400.00.

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

**SUPERVISOR YUDELSON**

Under discussion, it's time for us to do the update to our Comprehensive Plan, we're actually a little bit overdue for that, and it's something that's very important just like the updates the codes and the work that's going on there. This one is equally important and kind of coincides and overlaps that we really wanted to have a process that would solicit input from all over the community, the different sectors of the community and this is really about what we want our town to look like in the future, which was kind of mentioned that same concept just during our Public Hearing. The process, just to describe quickly, is going to begin with community meetings facilitated by this consultant that we're authorizing tonight Behan Planning, and the process really, as opposed to being a limited committee with some designated number, is going to be open to anybody in the community who wants to participate, and what this initial phase that's mentioned in the Resolution refers to is that there will be two (2) community meetings, they will really be a duplication of each other just so people have a couple of different dates they can go. The first one is going to be October 26<sup>th</sup> in the evening, I think at the Senior Center, but we'll have information about that later. They will facilitate a group discussion, a community discussion about the things that people feel are important to them about the Comprehensive Plan, and the things that they want us to make sure we're addressing. There will be two (2) meetings like that, as I said, to give people an opportunity to come to one if they can't make it on another date. At that point, they will come back and recommend to the Town the parameters of the overall project for the update based on that input, and the Town Board would then have to have another Resolution to authorize them to go forward with the rest of it. During that process, there would be a repeat of the public participation leading to a final recommendation for the Town Board, and before that recommendation was acted upon by the Town Board, there would be one more community meeting where people could kind of weigh in on the recommendations that Behan Planning was making to the Board. So, it's really going to be a process where we're soliciting a lot of input and we're looking forward to this, as it's very necessary and important project of the Town. Any further discussion? That's one thing I like about being Supervisor, I get to go first for discussion, and then by the time I'm done, they forgot what they were going to say. Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye



TB October 7, 2009

Respectfully submitted,

Leann C. Case  
Deputy Town Clerk

October 7, 2009

Presentation Town of Henrietta:

Residents of Locust Hill Neighborhood,  
Representative:

Elaine Lennox  
80 Locust Hill Dr.  
14618

We would like to begin by saying that we respect the Town Board of Henrietta's duties and responsibilities to serve this community. It is a large job and your pay for service does not compensate the hours you put in. We would like to thank each of you for this work as a public servant.

We would also like to say that there has been communication and we feel that the Board in general is making attempts to understand our concerns, in particular, Supervisor Yudelson. Thank you for these efforts.

However, as residents of the Town of Henrietta our Locust Hill Neighborhood has become increasingly alarmed as a group due to the ever - increasing pressures to our residential neighborhoods and the increase in commercial properties while vacancies continue to dot our commercial landscape.

This difficult balance between the economics of growth and the fundamental importance to protect undeveloped, natural habitats has become a major concern by this community. The cyclic problems of our country's economy, political bickering and penitence for war is, unfortunately a constant.

We are unfortunately on the downside of what once was a strong period of financial growth in America. Our decisions that led to this can be argued ad nauseam by both sides of the coin. While we gently sleep, our diversions being too great, the earth and our little corner of it is being depleted parcel by parcel, wetland by wetland, lot by lot.

The importance of stewardship by Federal, State and local governments IS NOW MORE IMPORTANT THAN EVER because we run the risk of "throwing the baby out with the bathwater". The baby if it needs clarification is the undeveloped, naturally beautiful land of this Town, that we call home.

Land, once it is plowed over leaves no restitution.. If we search our memory each of us must acknowledge this as fact. There is no turning back.

1.)

In the latter 1990's and early 2000's, the area south of Locust Hill Dr. and Jefferson Rd. once zoned by the State of New York as wetlands "miraculously dried up" enough to allow for a zoning change. The wetland was reclassified as R-1-20. A huge area previously zoned R-1-20 was rezoned to R-1-15 to allow for the building of patio homes. called Locust Hill Estates, which boasts small trees, no sidewalks, huge garages, flooded and damp basements and a great cut-through to Stone Rd. to avoid the constant traffic headaches at Jefferson and Clover . This exists because the Town leaders allowed it to happen under their watch. The cut-through somehow got approved even though the original design indicated there would be none.

The Town has spent considerable amounts of money to place cisterns and dig culverts to try and mitigate the WATER problems on land that was WETLANDS!  
As stated in the CLUP, Chapter 2.6:

*"As depicted in Figure 2.6-1, there are numerous wetlands scattered throughout the Town of Henrietta including three NYSDEC Class I wetlands that are situated along Red Creek, near the I-390 crossing in northern Henrietta. Class I wetlands provide the most critical of the state's wetland benefits, reduction of which is acceptable only in the most unusual circumstances. A permit to alter such wetlands shall be issued only if it is determined that the proposed activity satisfies a compelling economic or social need that clearly and substantially outweighs the loss of or detriment to the benefits(s) of the Class I wetland."*

*"There are also several Class III wetlands in Henrietta which mostly lie along the Genesee River and in the northwestern portion of the town. Class III wetlands supply wetland benefits, the loss of which is acceptable only after the exercise of caution and discernment."*

How exactly all of this transpired would require a forensic team at considerable cost and the residents of this town neither have the time nor the resources to uncover the trail.

It appears that because we have given the CLUP no teeth and are resisting attempts to do so, that is precisely the intent.

**OUR QUESTION TO THIS BOARD IS:  
WHAT WAS THIS "MOST UNUSUAL" CIRCUMSTANCE that allowed the removal of wetlands to R-1-15 zoning?**

Can anyone here explain how this occurs? We will await an answer when the Town can investigate this matter.

These areas of Henrietta are being encroached on at an alarming rate. Advertisements in the real estate section give them names that reflect characteristics of the land PRIOR to their development! These wonderful marketing tools that bring buyers remind us of what is lost forever!

In the words of John Muir, one of America's most ardent, visionary conservationists:

"The gross heathenism of civilization has generally destroyed nature, and poetry, and all that is spiritual."

2.)

Around 2003-04, a developer began proposing multilevel apartment buildings on land east of Locust Hill Dr. and Edgewood Avenue. After a long process and with objections by the neighborhood, the apartment project was abandoned and as it was R-1-15 zoned land, the developer proceeded with plans, approved by the Town to build “patio homes”.

To do this, the developer, without any direction from our Comprehensive Land Use Plan (CLUP) of 2003, or the Conservation Board of Henrietta which rarely holds meetings and has contributed very little to the support of the CLUP, proceeded to strip the earth bare, replacing meadows, with homes starting at \$180,000 . The Town made no provision for the preservation of older trees and barrier woodlands, and the development from Edgewood to Jefferson Rd. became another classic example of inadequate zoning laws in the Town of Henrietta and in many other communities.

A valuable tract of land for wildlife linking the Erie Canal, Locust Hill Country Club, those meadows and the wetlands south of Locust Hill Dr. was instead of being preserved was eliminated. The wetlands are gone forever, the natural corridor blocked. It is called “Locust Hill Meadows” following in the tradition of naming what has been destroyed by the developer to create the illusion of natural beauty!

There was never any discussion that we have seen or heard about the possibility of preservation. It just never occurs to the Town.

Now, although there is no formal presentation to the Town Board yet, a 22 acre of land abutting Locust Hill Drive to it’s North, Jefferson Rd to it’s south and east of Edgewood Ave. prepares for its certain demise if this Town Board and this community don’t find a way to preserve it’s beautiful conifer and deciduous trees and meadows.

The funding for the developer will come, the flow of loans will return and we will be left sitting on our hands with no options to prevent this because of lack of foresight.

We, the neighbors of Locust Hill Dr. who have jobs, families, and are not consigned to the task of upholding the interests of the Town of Henrietta can only present once again our case to you the Board.

**NO ONE HERE HAS OFFERED ANY OPTION OR ANY SUPPORT FROM THE TOWN TO TRY AND FIND A CONSERVANCY GRANT, TOWN MONEY FOR PRESERVATION OR ANY OTHER WAY TO STOP THE LOSS OF THIS BEAUTIFUL PIECE OF LAND.**

You have looked at the books, and said well it’s R-1-20 and that is the most restrictive zoning, so there is nothing more to be done. It could be bought for about \$300,000 from the owner, by the town and saved, but there is no PLAN for actions like these because no

one has respected the wishes of the citizens of the Town of Henrietta who clearly said they want these types of actions as indicated in the 2003 CLUP.

3.)

No discussion of preserving land was ever introduced because this concept appears to be non-existent in the vernacular of this Town. All land that doesn't have a house or a building on it is VACANT. It's really not vacant though, as a stroll through the land would reveal the sight and sound of birds, deer, fox, turkeys, tree frogs and numerous other woodland creatures eking out an existence as their world is depleted further and further.

There is no budget for conservation of land, there is no budget or plan to preserve valuable woodlands, there is no support for this as far as we know, and we are dismayed by the Town's lack of long-term vision.

It appears that "keeping taxes low" is the mantra repeated often especially during an election year where there is really no clear threat to your positions and your jobs appear quite stable. Is this the legacy of governance that you will tell your grand children? I doubt it. I think you will remember the occasions such as the development of the Lehigh Valley Trail which has been preserved and is to your credit a bright spot. There is room for more decisions like this if it becomes part of the agenda.

We are here asking for you to look beyond today and envision Henrietta 20 years from now when the area at Locust Hill and the area near the Genesee River and bordering RIT's campus and many more will be gone.

That will be your legacy as stewards of this community. It will not be the neon lights of queen Starbuck, nor the strip malls that line our corridors with vacant signs. It will be the lament of old people who tell their children how they once watched flocks of birds, migrating south feed in watersheds, deer in fields, and could actually see stars at night from their back yards without the roar of traffic in the background.

Another confounding occurrence happened a few years ago when land along the Erie Canal at the northeast corner of Henrietta abutting the Erie Canal, owned by the Town and used as a DPW site, which a portion was deemed Parkland was sold to a developer. SEE MAP, (12-2002, Town of Henrietta, Comprehensive Land Use Plan Update Map. Existing Land Use, Figure 2.1-1)

How does this happen?

Who is allowing this kind of action? The CLUP clearly identified land along the Erie Canal should be made into public use as a waterfront recreational property through the use of federal, state and county funding. Instead, Henrietta's sole connection to the canal was sold and it is no longer available to the residents of our community.

Throughout the town, particularly around RIT and the Genesee River, development proceeds without the considerations of the CLUP. As we stated in May of 2009, and

earlier in this presentation, it is not the job of citizen watchdog groups to patrol the Town.

4.)

You, the Supervisor and Board by accepting these elected positions are charged with this duty.

As homeowners, tax payers, voters and stewards of the earth we look at these processes and can only make some assumptions:

**Our zoning laws are NOT adequate!  
They are OUTDATED and no longer take into account the mindset of our current developers who are in this business to get the largest profit out of each project, regardless of the taxpayers wishes.**

The 2003 CLUP , Chapter 4-1, Action Plan reiterates under the Implementation Plan that:

**“the Town should update its Zoning Law and Zoning Map and Site Plan and Subdivision Regulations to reflect changes outlined in the Comprehensive Land Use Plan. An update of land use regulations is important to ensure future land use decisions are made in conformance with this Plan”.**

**This Comprehensive Land Use Plan commissioned by The Town Board in 2001, published in 2003, placed on The Town of Henrietta’s website in 2005 at a cost of \$33,693.00 has been largely ignored and continues to be misunderstood as a requirement that must be published, but not instituted. What is the point in updating this document if it is going to be ignored?**

THERE REMAINS NO PROVISIONS FOR THE PRESERVATION OF TREES, NATURAL WATER SUPPLIES, OR WILDLIFE CORRIDORS. There are no stipulations to include PARKLAND for public enjoyment (which according to national statistics, we are at the lowest percentage level). There are no thoughts about the amount of noise and light pollution created by our developments.

There remains a very large gap in the understanding by the leaders of The Town of Henrietta and many people in communities regarding land planning in the year 2009 and beyond.

We need a concerted effort to educate not only ourselves, but the taxpayers and their children about the importance of preservation. This could be in the form of public meetings and/or forums presented by The Nature Conservancy, The Conservation Fund or the Sierra Club to name a few.

The Town could support this by providing the venue, advertising it in the newsletters, on their website and via the media.

5.)

This takes time. It cannot be accomplished behind closed doors or by small groups of people. We need leadership by the Town Board. We need you to step up now as great leaders have done in the past.

The CLUP plan, which we have been reminded at regular intervals, is simply a plan, has no legal bearing and is NOT REFLECTED IN OUR ZONING LAWS is useless as it stands right now. If one takes the time to read it, it is an amazingly well written document which addresses the complexity of land use in a suburban environment.

The people spoke in 2001. The CLUP , Chapter 3, D2, states this clear objective.

***It calls for the review of zoning to protect existing residential development.***

I would like to remind the Board that the residents responded to the surveys in 2001 and said clearly that the priorities for the Town of Henrietta are:

1. Strongly favor open-space preservation policies
2. Protection of farmlands
3. Protection of environmentally – sensitive lands
4. Protection of historic sites and places of importance

***In order to address these issues in a thoughtful manner we need to establish a Moratorium on building, quickly, and begin this process while there is still time. The Town Codes are being rewritten, and certainly the zoning is in desperate need of updating along with the CLUP which is now overdue.***

***Six to twelve months would give the community time. It is limited and has specific, targeted objectives.***

This is our opportunity because of the economic recession and the temporary lull in new projects, Henrietta must take bold steps to correct the deficiencies wherever possible and plan for a future where “livability” is an important element.

Here is where you shake your heads and wonder if we haven’t been listening. We have read your responses and how you are against a moratorium and how they accomplish nothing. We respectfully disagree on many points.

6.)

First, lets define a moratorium.

*A Moratorium suspends the right of property owners to obtain development approvals while the local legislature takes time to consider, draft, and adopt land use regulations or rules to respond to new or changing circumstances not adequately dealt with by its current laws. A moratorium is sometimes used by a community just prior to adopting a comprehensive plan or zoning law, or major amendment thereto.*

Next, lets look at what is currently in the planning stages of the Town. We are precisely at this precipice. We are:

1. **Review and revising of current Town Code**
2. **Obtaining bids and meeting with prospective Land Use Planning companies to reassess the Town and develop and update the 2001 CLUP.**

Theses are two very specific action items that will directly impact future development in the Town and would benefit from a moratorium. They require time and due consideration so that the precedence they create is long lasting and in accordance with Town Laws. Again, they require new legislation to deal with current laws and are time specific. They meet the requirements that you the Board have used as arguments against a moratorium.

Here's where you shake your heads again and tell us how residential and commercial development increases our tax base and will bolster the Town's coffers and decrease the burden of declining sales tax revenues. You also remind us that residents want a flat tax rate and Henrietta has been a leader in this for the past 10 years.

**And here is when WE REMIND YOU THAT RESIDENTIAL DEVELOPMENTS IN TOWNS DO NOT ADD TO OUR REVENUE BUT RATHER DEplete OUR**

## **FINACIAL AND NATURAL RESOURCES.**

7.)

**In an effort to understand how one determines the cost benefits of residential development I found a paper that provided a framework to “DO THE MATH”.**

**I had asked the Board last month if they would be willing to do this and received no response to this question from anyone.**

**The numbers don’t lie and the numbers tell a much different story than the public understands.**

Each of you have a copy of this presentation and here is the Math portion as I understand it with information that is currently available to the public online. If you can improve on it, we welcome the input.

**Open Space Is a Good Investment: The Financial Argument for Open Space Preservation, A Resource Paper of the Association of New Jersey Environmental Commissions (ANJEC)**

<http://www.greatswamp.org/Education/anjec.htm>

In this extensive study, already done and paid for, the importance of preservation for nature is explained AND the financial benefits are thoroughly outlined. It uses the State of New Jersey but is useful for any locale.

There is a worksheet within it and we would like to demonstrate with our fiscal data as we understand it based on latest published available Town of Henrietta data.

## **ANALYZING THE COSTS OF DEVELOPMENT**

The following worksheet will help you analyze the costs of development vs. the costs of preserving of open space:

### **ECONOMIC ANALYSIS WORKSHEET**

Certain general information is necessary for making the analysis. Local permutations abound.

8.)

### **Basic Demography**

•Number of households (Source: (CLUP, 2000, Chapter 2.2-3)

a.) **12,823**

•Number of students currently in public schools

(Source: RH School Board 2008)

Rush-Henrietta Central School District, Budget Newsletter, May 2009)

<http://www.rhnet.org/files/news/RH%2009%20Budget%20Final%20Proof%2Epdf>

b.) **5,828**

• Number of students school system can accommodate before new facilities are needed (Source: RH-School Board 2008)

(A new 9<sup>th</sup>. grade academy was instituted a few years ago because the High School could not accommodate all grade levels.)

c.) **7,500**

### **Assumptions**

• Number of students generated by each housing unit:

d.) **0.45**

• Cost per student:

e.) **\$17,228** (Based on RH Budget)

(Source: RH Budget Newsletter 2009) New York State is using federal stabilization monies to eliminate a state aid reduction that would have created a \$3.6 million shortfall for Rush-Henrietta. The stabilization monies allow the district to avert eliminating necessary positions. This money is finite.

9.)

- New facility cost: (includes improvements)

(Capital Reserve Fund, \$4,000,000 and Bus Fund, \$1,000,000 expenditures approved by voters this year for a total of \$5,000,000 )

f.) **5,000,000**

- Average cost of municipal services per household:

g.) **\$1,313.00**

(Source: Henrietta Town Budget 2009)

- Average market values of new housing unit

h.) **\$ 149,900**

<http://realestate.aol.com/Henrietta-NY-real-estate>

- Municipal tax rate

j.) **\$1.21** per \$1,000 of home value

### **Method**

- Educational outlay: students per housing unit (d) **0.45** X cost per student

(e) **\$17,228 = \$7,752.00**

PLUS new/updated facility costs per unit (f) \$858.36 X students per housing unit

(d) 0.45 = \$ 386.00

Total 1. \$ 8138.00

10.)

•Cost of municipal services per house

g): 2. \$ 1,313.00

• Total municipal cost of one new housing unit

(line 1 + line 2) = 3. \$ 9,451

•Municipal tax revenue for one new unit:

(Calculate by multiplying average market value (h) X municipal tax rate)

(j) 4. \$ 1,815

•Net **annual burden** or revenue of an additional new unit: Subtract line 4 from line 3

5. (\$ 7,636)

We would welcome your analysis of how the Town figures new residential development benefits the taxpayers of Henrietta. Allowing for some variance, it would appear that every time we add a new home WE ADD TO THE OVERALL TAX BURDEN OF THIS COMMUNITY INFINITELY AND CONSIDERABLY, WHILE DECREASING THE DESIRABILITY OF OUR NEIGHBORHOODS AND IN THE LONG RUN DECREASING THE ACTUAL VALUE OF OUR HOMES.

In comparison, if we take the 22 acre parcel along Locust Hill, Edgewood and Jefferson Rd and concede that the developer with current zoning laws could build 24 homes on this property thereby adding an **annual tax burden of \$167,992.00** to the Town of Henrietta,

let's contrast the scenario of the Town purchasing the parcel and applying for grant money at it's current asking price of \$330,000.

Now, let's imagine that the Town applies for a Preservation Loan from let's say "The Conversation Fund"

[http://www.conversationfund.org/awards\\_and\\_grants](http://www.conversationfund.org/awards_and_grants)

or some other program that could offer low interest bonds to pay for this purchase, the Town could have the land, and within less than two years recoup the actual cost of an annual tax burden to the town.

**THIS MAKES FISCAL AND ENVIRONMENTAL SENSE.**

We could apply this formula to a variety of potential areas in Henrietta IF we had your support.

11.)

We are not going to begin to address commercial development at this time, but many of the same problems exist. Comida and its problems point directly to the revenue loss incurred by Towns annually.

In conclusion, we see the following issues to be of importance.

- A discussion of a Moratorium to be added to the Town Board agenda in the next month.
- Review and update of zoning laws.
- Linking both Town Codes and Zoning with the CLUP.
- Establishment of committees and a meeting schedule for the CLUP.
- A Plan to set aside money for preservation.
- A plan to go after Private, Federal, and State money for Preservation of land.
- An educational awareness forum to educate taxpayers about fiscal government.

**THANK YOU FOR YOUR ATTENTION.  
WE LOOK FORWARD TO YOUR RESPONSES.**

**ELAINE LENNOX  
REPRESENTATIVE OF LOCUST HILL NEIGHBORHOOD.**

Citations:

“Comprehensive Land Use Plan”, Town of Henrietta, published 2003

“Land – Use Planning : From Global To Local Challenge”, Julius Gy Fabos  
1985, Chapman & Hall Ltd.

12.)