

**TOWN BOARD WORKSHOP
AGENDA
DECEMBER 1, 2014
4:30 P.M.
*IN MAIN MEETING ROOM***

**Monday, December 1, 2014 – 4:00 P.M.
Richland Residential: The Summit (Student Housing) – BME Associates**

- One (1) Special Permit
 - Two (2) Public Hearings – December 3, 2014 – 7:00 P.M.
 - Local Law No. 4 of 2014 - A Local Law Amending the Town Code to Allow New York State Town Law §278 Cluster Subdivisions to be Permitted in RR Districts
 - Property Cleanup – 3036 East Henrietta Road
- 1.) Approval of Minutes of the Preceding Town Board Workshop Meeting
November 17, 2014
 - 2.) Approval of Minutes at Town Board meeting(s)
 - 3.) Consider Authorizing Supervisor to Sign Abandonment of Easement – 1200 Miracle Mile Drive – Martin
 - 4.) Consider Authorizing Request for Special Use Permit Extensions – Martin
 - Application No. 2014-051 (Previously 2012-024), East River Road, Jaynes Riverview, LLC (Graywood Commons), to allow 84 Duplex Lots
 - Application No. 2014-052 (Previously 2012-025), East River Road, Jaynes Riverview, LLC (Graywood Commons), to all 96 Townhomes
 - Application No. 2014-053 (Previously 2012-026), East River Road, Jaynes Riverview, LLC (Graywood Commons), to allow 144 Apartment Units
 - 5.) Info Only: Code Violations Update - Marshall
 - 6.) Consider Declaring Items Surplus Materials – Highway Department - Eckert
 - 7.) Info Only: Discuss Driveway Permits - Eckert
 - 8.) Info Only: Discuss Holiday Event at Tinker - Kulik
 - 9.) Info Only: Discuss Update to Website – Taylor
 - 10.) Info Only: Discuss Refuse Collection License – Wiesner
 - 11.) Consider Authorizing Official Undertaking of Receiver of Taxes and Assessments – Wiesner

- 12.) Consider Authorizing Agricultural Lease Renewal – Mark Greene, Property on Calkins Road – Wiesner
- 13.) Consider Authorizing 2015 Holiday Schedule – Wiesner
- 14.) Consider Authorizing 2015 Board Meeting Schedules - Wiesner
- 15.) Info Only: Building Study Update – Minotti
- 16.) Info Only: Discuss Berm Problem – Minotti
- 17.) Info Only: Discuss Sewer Impact Fees – Minotti
- 18.) Info Only: Code Revision Update – Minotti
- 19.) Info Only: Drainage Study Update – Minotti
- 20.) Info Only: Discuss Sidewalks – Moore Road and Martin Road - Minotti
- 21.) Info Only: Rental Registry Update – Mastrella
- 22.) Info Only: Discuss Online Payments at Town Court - Moore
- 23.) Consider Bills Payable – Moore
- 24.) Old Business

Monday, December 1, 2014 – 5:30 P.M.
East Henrietta & Goodburlet Town House Project – Passero Associates

**TOWN OF HENRIETTA
TOWN BOARD WORKSHOP MEETING NOTES
DECEMBER 1, 2014**

The regularly scheduled Workshop of the Henrietta Town Board for Monday, December 1, 2014 was called to order at 4:30 P.M.

MEMBERS PRESENT

Supervisor Jack W. Moore
Deputy Supervisor Peter C. Minotti
Councilman William J. Mulligan, Jr.
Councilwoman Janet B. Zinck
Councilman M. Rick Page
Councilman Kenneth Breese
Daniel J. Mastrella, Town Attorney
Rebecca Wiesner, Town Clerk/Receiver of Taxes

GUESTS/RESIDENTS PRESENT

John Colagrosso
Phil Mancini

Monday, December 1, 2014 – 4:00 P.M.

Richland Residential: The Summit (Student Housing) – BME Associates

Jerry Goldman of Woods Oviatt Gilman, LLP introduced the representatives for the proposed student housing development known as The Summit on the west side of East River Road, south of Fairwood Drive, on the northern fifty-eight (58) acres of the former Kodak office parcel:

- Brent Mehal from Richland Residential, Inc.
- Douglas B. Eldred, P.E., from BME Associates
- Fred J. Rainaldi from Rainaldi Brothers, Inc. (the property owner)

Brent Mehal explained that Richland Residential has been around for thirty (30) years and that previously the company focused on multi-family housing developments, but they've recently delved into student housing. This would be the firm's sixth (6th) student housing project. How long they hold onto properties varies; on the short end it is five to six (5-6) years but it can be up to twenty (20) years. In the thirty (30) years that the company has been in business, they have never had a project fail and everything approved has been built. The company is privately owned, but each project has investors. They work primarily with PNC Bank and US Bank and both banks were excited about this project during preliminary discussions. The utilities on the site would remain privately owned. Fifty-eight (58) of the seventy (70) acre site would be developed into student housing. Councilman Mulligan asked whether they were looking to receive any tax abatements and Mehal said they were not.

Douglas Eldred stated that the site is currently zoned Industrial and the project would be accessed off of East River Road. The preliminary proposal for the project would be for a total of seven hundred eighty (780) beds and eight hundred fifty (850) parking spaces. The buildings themselves are designed to look like single-family residential homes and

there would be a clubhouse approximately six thousand eight hundred square feet (6,800 sq ft) in size with a riverfront gathering area. There would be security cameras on the exterior of the buildings and in all common areas in addition to being monitored by private security companies on Friday and Saturday nights. A traffic study was done on the property. Councilwoman Zinck inquired how a traffic study is done on a student housing development because of the varied class schedules of each student. Eldred explained that they look at similar projects and Jerry Goldman further explained that they use national studies. Eldred said that enrollment trends market studies show that there is a growing demand for student housing in this area. Councilwoman Zinck stated that it was her understanding that colleges were experiencing a flat line in terms of enrollment, but Eldred said that they're always expanding at RIT.

Councilman Mulligan asked why this project wasn't a gated community and Mehal said it was because in their experience it didn't work; private security patrols are more effective. Mehal clarified that gated communities can feel like a prison and there are issues with guests and general access.

Councilwoman Zinck asked about adding sidewalks on East River Road for students who may want to walk to campus and Eldred said it was a possibility, but East River Road is a county road so they would need to discuss it with Monroe County. Eldred felt that more students ride their bicycles rather than walk so it may not be necessary.

Fred Rainaldi described his part of the project on the remaining portion of the property where the four (4) Kodak buildings are located. The four (4) buildings were originally designed by SOM Architects and that they were inspired by the works of Mies van der Rohe and Corbusier and that they are architecturally significant. Rainaldi's plan is to demolish the buildings down to their structure so that new glass, HVAC, plumbing, elevators, etc. can be installed. He is also going to add more parking to make the buildings more approachable and to add more green areas around the buildings to respect the architecture. Trails and outdoor amenities for future tenants would also be added. Rainaldi is looking for technology companies to occupy the buildings and has had discussions with RIT and other tenants. Councilwoman Zinck noted that the wetlands on the site make a natural division between the student housing and the four (4) Kodak buildings.

RG&E wants to condemn thirty (30) acres of the site to build a power plant, but they are waiting on a decision from the New York State Public Service Commission.

Jerry Goldman said that the site would not need to be re-zoned and they would just need a Special Permit to allow the student housing portion of the project. Since the wetlands are federal and not state, no DEC approval is necessary. A neighborhood meeting has been tentatively scheduled for the next couple weeks and notifications would be sent out to approximately five hundred seventy-six (576) properties in the surrounding radius of the project. The representatives are hoping for occupancy during the 2016/2017 school year, which would involve having a Special Permit Hearing in the next month or two.

- **One (1) Special Permit**

There will be one (1) Special Permit Hearing on Wednesday, December 3rd for Lena Mak of 72 Goldfinch Drive to have more than three (3) dogs.

Also on the Agenda for decision only are three (3) Special Permit Applications for Jayne's Riverview, LLC. They are actually requests for Special Permit extensions since the Applications were originally approved in 2012, but because the Permits expired, they were given new Special Permit numbers. The decision regarding the extensions will be via Resolution during the regular Town Board Meeting on Wednesday. In 2013, the Town Board voted no on extensions for two (2) of the three (3) Applications and the Applicant filed an Article 78 Proceeding to appeal the decision. Voting on the Resolution to extend the Special Permit Applications on Wednesday is a formality to reaffirm the court's decision to allow the Special Permit to be extended for an additional six (6) months.

- **Two (2) Public Hearings – December 3, 2014 – 7:00 P.M.**
 - **Local Law No. 4 of 2014 - A Local Law Amending the Town Code to Allow New York State Town Law §278 Cluster Subdivisions to be Permitted in RR Districts**

There was an unintentional omission of words when Local Law No. 2 of 2005 was adopted and the proposed Local Law No. 4 of 2014 would remedy that. Currently, Town Code §295-59 (B) states that, "The powers delegated to the Planning Board herein shall apply to all districts zoned R-1 and R-2," but does not specify Rural Residential zoned districts. Town Attorney, Daniel Mastrella, met with Planning Board Attorney, William Walker, to discuss the omission and Mastrella does not believe that Local Law No. 4 of 2014 is necessary, but Walker believes it is.

- **Property Cleanup – 3236 East Henrietta Road**

Terry Ekwel, Fire Marshal/Building Inspector, reported that he has not heard from the residents, but confirmed with Daniel Mastrella, Town Attorney, that they can have the Public Hearing even if the residents are absent.

1.) Approval of Minutes of the Preceding Town Board Workshop Meeting

November 17, 2014

Councilwoman Zinck made a motion to approve the Town Board Workshop Minutes from the November 17, 2014 Meeting and Councilman Breese seconded the motion.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye

- o There was an increase in the number of unlicensed cars at Joe Legno's property at 3333 East River Road. He told Code Enforcement that a tow truck would be coming tomorrow to remove three (3) of the unlicensed vehicles.

6.) Consider Declaring Items Surplus Materials – Highway Department - Eckert

Craig Eckert, Commissioner of Public Works, explained that at the November 5th Town Board Meeting, the Town Board authorized purchase of one (1) new Wheel Loader to replace equipment #115 via Resolution #20-250/2014. This Resolution is to remove equipment #115 from inventory and to consign it to the Teitsworth Municipal Auction on December 6, 2014.

7.) Info Only: Discuss Driveway Permits - Eckert

Eckert reported that he is working on creating driveway permits which would be required for new driveways or driveway extensions. Other towns have similar processes, but at the Town of Henrietta there currently isn't a formal process for driveways.

8.) Info Only: Discuss Holiday Event at Tinker - Kulik

Jason Kulik, Director of Parks & Recreation, invited everyone to the Christmas at Tinker Nature Park event on Saturday, December 6th, and Sunday, December 7th from noon to three (12:00 p.m. – 3:00 p.m.).

Kulik also mentioned some last minute personnel topics for Wednesday's Town Board Meeting that did make it on to the Town Board Workshop Agenda. The proposal is for one new hire and one promotion in the Recreation Department.

9.) Info Only: Discuss Update to Website – Taylor

Michele Taylor, IT Coordinator, spoke about the research into the Town of Henrietta's slogan/motto by the Town Historian, Tina Thompson, and the Henrietta Library's Research Librarian, Alicia Reinhardt, so that it can be included on the Town's new website being created by BAS. In the 1960s, the Town's motto was "The Township of Friendship", but the Town of Friendship was not happy since Friendship was their town name, so it was changed to "A Township of Friendship". During the 1980s, the Town of Henrietta considered changing the motto to "The Heart and Hub of Monroe County, but it was never adopted. Currently, "The Crossroads of Monroe County" is being used on the new website being created as a placeholder.

10.) Info Only: Discuss Refuse Collection License – Wiesner

Rebecca Wiesner, Town Clerk/Receiver of Taxes, reported that she has updated the refuse collection license application in order to gather more information about the refuse

collectors operating in Town. Previously, the licenses did not differentiate between residential collectors and commercial collectors and some of the companies thought to be commercial only are actually collecting for residential customers as well; this new form will clarify what the companies are collecting. There are also a number of refuse collectors operating in Town that have not obtained a refuse license, as required in Town Code Chapter §234, and so Wiesner will be sending out letters and license applications to all refuse companies operating within the County.

Councilman Page asked whether the Town would be working with the refuse companies to better coordinate the route schedules to reduce the refuse collection traffic in neighborhoods. Currently, due to the different refuse collectors operating, many neighborhoods have refuse collectors on their streets every day of the week. Supervisor Moore said that the first priority is to figure out who all of the refuse collectors are.

11.) Consider Authorizing Official Undertaking of Receiver of Taxes and Assessments – Wiesner

This is an annual Resolution required by Town Law Section §25. Proof of bonding showing approval of the Town Board and indicating that it was filed in the office of the Town Clerk must be submitted to the Monroe County Treasurer annually prior to the release of the Town & County Tax bills.

12.) Consider Authorizing Agricultural Lease Renewal – Mark Greene, Property on Calkins Road – Wiesner

This is an annual Resolution for Mark Greene to lease the property on Calkins Road as farm land. The property is located across from the Tinker Nature Center.

13.) Consider Authorizing 2015 Holiday Schedule – Wiesner

14.) Consider Authorizing 2015 Board Meeting Schedules - Wiesner

Wiesner reported that authorizing the holiday schedule and Board meeting schedules at a Town Board Meeting is something the Town has not done in the past, but that Supervisor Moore suggested doing it after he noticed that the Town of Brighton did it via Resolution.

15.) Info Only: Building Study Update – Minotti

The building study has been completed and LaBella Associates. They will be coming in to present their work prior to the Town Board Workshop Meeting on December 15th at 4:00 p.m.

16.) Info Only: Discuss Berm Problem – Minotti

Donald Young, the Town's Zoning Board Attorney, is looking into the berm issue on 86 Kinglet Drive where the property owner removed a berm that was a condition of the

approval of the subdivision's PLAT map. Young is researching whether the Town would have any standing to take the situation to the State Supreme Court or whether the Town should file a lawsuit. Councilman Page is concerned about letting a resident do something like this as it would set a precedent enabling other residents to do the same.

17.) Info Only: Discuss Sewer Impact Fees – Minotti

Peter Minotti reported on the research he had executed into Sewer Impact Fees due to a concern over sewer billing charges expressed at the November 3rd Town Board Workshop Meeting. Sewer Rents were established in 1955 and Sewer Impact Fees were established via Town Board Resolution #18-196/2007. In 2011, Clayton Arms Associates sued the Town regarding Sewer Impact Fees. There was consent to settle on the lawsuit, so it never went to trial, but the Sewer Impact Fees did get refunded to Clayton Arms. Daniel Mastrella, Town Attorney, said that subsequent prior to the lawsuit, the Town Board adopted Local Law No. 1 of 2011 via Resolution #6-87/2011 eliminating any impact fees on apartment units and instead establishing a commercial establishment surcharge. There was a general discussion about Sewer Impact Fees and Jennifer Miranda, Deputy Town Clerk, mentioned that despite Local Law No. 1 of 2011, sewer bills have still gone out with "Impact Fee" listed on the bill instead of "Commercial Establishment Surcharge" since 2011.

18.) Info Only: Code Revision Update – Minotti

Peter Minotti met with Donald Young, Zoning Board Attorney, earlier in the day regarding the updates to the Town Code and four (4) items needing clarification have since been completed. Young told Minotti that the editor would be contacted before 5:00 so that draft copies could be printed.

19.) Info Only: Drainage Study Update – Minotti

The Engineering Department was able to significantly drop the amount of the overall proposal cost from BME Associates by providing some of the work in house. Supervisor Moore is hoping that the Riverton Community Association will contribute to the cost of the project. There was a suggestion to contact James Grunert, Planning Board Member, as he is on the Board of the Riverton Community Association.

20.) Info Only: Discuss Sidewalks – Moore Road and Martin Road - Minotti

Minotti reported that the Town was able to make a deal with Bernie Iacovangelo to add a pedestrian shoulder on the west side of Moore Road and the north side of Martin Road. Sidewalks were not feasible due to utilities running through that area, but the advantage of a pedestrian shoulder is that it can be plowed by the Highway Department with one of the Town trucks.

21.) Info Only: Rental Registry Update – Mastrella

Daniel Mastrella, Town Attorney, said that the draft rental registry is ready to be presented to Councilman Page's rental registry committee. It isn't currently typed, but he is planning to get it typed tomorrow. Councilman Breese requested that the draft be forwarded on to the Town Board and Councilman Page offered to forward it on to each of the Board Members for Mastrella.

22.) Info Only: Discuss Online Payments at Town Court - Moore

Barbara Chirido, Director of Finance, reported that Michele Taylor, IT Coordinator, received an email last week from Linda Kelley at the Court that they're now accepting online payments for parking tickets, bail, etc. There was a concern about the Court entering into a contract for online payments without the Supervisor's knowledge.

23.) Consider Bills Payable – Moore

24.) Old Business

On the motion of Councilman Page, seconded by Councilwoman Zinck, the Town Board motioned to enter into Executive Session following the 5:30 p.m. presentation by Passero Associates.

Monday, December 1, 2014 – 5:30 P.M.

East Henrietta & Goodburlet Town House Project – Passero Associates

Executive Session – Personnel

Respectfully submitted,



Rebecca B. Wiesner
Town Clerk / Receiver of Taxes