

**HENRIETTA TOWN BOARD  
AGENDA  
JUNE 7, 2006**

**ORDER OF BUSINESS**

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Public Presentation/Agenda Items
5. Approval of Minutes of the Preceding Meeting(s): May 17, 2006
6. Miscellaneous Communications
7. Public Hearings:
  - Proposed Establishment of Extension No. 147 (Brody-Ward Subdivision) to Henrietta Water District No. 1
  - Proposed Establishment of Extension No. 14 (Brody-Ward Subdivision) to the Henrietta Drainage District
  - Proposed Rezoning of Land Located at 3400 East River Road from Residential R-1-15 to Residential R-2-15 and Proposed Special Use Permit
8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
9. Reports of Standing Committees and Actions Thereon
10. Reports of Special Committees
11. Public Comment
12. Adjournment

RESOLUTION #12-143/2006  
Authorize Accounts Payable

RESOLUTION #12-144/2006  
Authorize Town Attorney to Respond to Monroe County Lawsuit

RESOLUTION #12-145/2006  
Authorize Appointment of Member to Zoning Board

RESOLUTION #12-146/2006  
Award Low Quote - Televising Existing Sanitary Sewers at Various Locations in the Town of Henrietta

RESOLUTION #12-147/2006  
Authorize Professional Design Services - Hanson Circle Culvert Replacement Project

RESOLUTION #12-148/2006

Authorize Supervisor to Sign Abandonment of Easement - 2921  
Brighton-Henrietta Town Line Road, Alleson of Rochester, Inc.

RESOLUTION #12-149/2006

Authorize Rate Increase for Independent Consultant Inspectors - Engineering  
Department

RESOLUTION #12-150/2006

Authorize Proposed Establishment of Extension No. 147 (Brody-Ward  
Subdivision) to Henrietta Water District No. 1

RESOLUTION #12-151/2006

Authorize Proposed Establishment of Extension No. 14 (Brody-Ward Subdivision)  
to the Henrietta Drainage District

RESOLUTION #12-152/2006

Authorize Proposed Rezoning of Land Located at 3400 East River Road from  
Residential R-1-15 to Residential R-2-15 and Approve Proposed Special Use  
Permit

RESOLUTION #12-153/2006

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 JUNE, 2006 AT 8:00 P.M.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Councilwoman Janet B. Zinck

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

**SUPERVISOR BREESE**

Other than the Public Hearings, is there anybody that would like to speak on any Agenda items at this time? Just Agenda items only? *(Pause - no response)* If not, may I have the approval of the Minutes, please.

**COUNCILMAN YUDELSON**

Mr. Supervisor, I move approval of the Minutes of the May 17, 2006 meeting.

**COUNCILMAN MULLIGAN**

Second.

**SUPERVISOR BREESE**

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

**SUPERVISOR BREESE**

We have several Public Hearings, one on the proposed establishment of Extension 147 for the Brody-Ward Subdivision to the Henrietta Water District. Has that been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

Would anybody like to speak on that Public Hearing? *(Pause - no response)* If not, I'll adjourn that Public Hearing. The next one is the proposed establishment of Extension 14, also Brody-Ward Subdivision, to the Henrietta Drainage District. Has that been advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

Is there anybody that would like to speak on that? *(Pause - no response)* If not, I'll adjourn that Public Hearing. Then we have a proposed rezoning of, this is also a Special Permit, of land located at 3400 East River Road from Residential R-1-15 to Residential R-2-15 along with the proposed Special Permit, and that's been advertised, hasn't it?

PATRICIA SHAFFER, TOWN CLERK

That's correct. Yes, Sir.

SUPERVISOR BREESE

I'd like to ask the Applicant to come up to the microphone, please, identify yourself and summarize what it is you'd like to do.

JERRY TALLO, TALLO PROPERTIES, INC.

Good evening, ladies and gentleman. My name is Jerry Tallo. These are my sons, Justin and Jeremy. I pastor Covenant Life Church here on Bailey Road in Henrietta, and my sons and I have a desire to purchase the Treuthart Rug building on East River Road and convert it into ten (10) apartments to make available to R.I.T. students.

SUPERVISOR BREESE

Okay. That's been used for years by Treuthart as a commercial use.

JERRY TALLO, TALLO PROPERTIES, INC.

Yes, Sir.

SUPERVISOR BREESE

And you want to turn it into a residential use for ten (10) apartments, is that right?

JERRY TALLO, TALLO PROPERTIES, INC.

Yes, correct.

SUPERVISOR BREESE

Using the existing building, is that correct?  
JERRY TALLO, TALLO PROPERTIES, INC.

The existing building, the exterior structure would not be altered. Our architect can speak to any technical questions you have.

SUPERVISOR BREESE

Well, can you put ten (10) apartments into a building of that size?

MICHAEL HOCHADEL, PETER L. MORSE & ASSOCIATES

I'm Michael Hochadel. I'm representing Peter Morse, and he's the official architect of record for the job. Yes, we can put ten (10) in there.

SUPERVISOR BREESE

What would the size be of the apartments?

MICHAEL HOCHADEL, PETER L. MORSE & ASSOCIATES

There's one (1) three (3) bedroom, the rest are two (2) bedrooms, and there's one (1) studio. So, one (1) studio, one (1) three (3) bedroom, and eight (8) two (2) bedrooms.

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, have you seen the memo from our Fire Marshal, Christopher Roth?

MICHAEL HOCHADEL, PETER L. MORSE & ASSOCIATES

Yes, we have.

COUNCILWOMAN McCABE

Are you going to comply with all of those issues on there?

MICHAEL HOCHADEL, PETER L. MORSE & ASSOCIATES

Yes, we will. We've looked at them and made the changes.

COUNCILWOMAN McCABE

Okay.

COUNCILMAN MULLIGAN

What would, through you, Mr. Supervisor, what would the approximate square footage, I was over looking at the building today, of a two (2) bedroom unit be? Maybe you know that, maybe you don't.

MICHAEL HOCHADEL, PETER L. MORSE & ASSOCIATES

The average, or each one?

COUNCILMAN MULLIGAN

Average.

MICHAEL HOCHADEL, PETER L. MORSE & ASSOCIATES

Hold on just a second. Um, they range from 832 to 962. So, we have 832, 880, 853, 962, 962, 866.

COUNCILMAN MULLIGAN

Would it be exclusively for R.I.T. students or would other people be allowed to rent that?

JUSTIN TALLO, TALLO PROPERTIES, INC.

Absolutely.

SUPERVISOR BREESE

Absolutely what?

JUSTIN TALLO, TALLO PROPERTIES, INC.

It would be open to anyone who is interested in renting.

SUPERVISOR BREESE

Not just R.I.T. students?

JUSTIN TALLO, TALLO PROPERTIES, INC.

Absolutely, absolutely.

JERRY TALLO, TALLO PROPERTIES, INC.

We're just considering the market.

SUPERVISOR BREESE

Okay.

COUNCILMAN MULLIGAN

I know there's a couple of residential homes over there. Have you had a chance to talk to any of those people?

JERRY TALLO, TALLO PROPERTIES, INC.

I think my son did.

JUSTIN TALLO, TALLO PROPERTIES, INC.

I have. I've spoken to probably, I'd say about a half dozen people over there, and due to the proximity, the fact that it wasn't directly, you know, within, basically, any of their view, they had no problem with it, I mean, providing that we managed it properly and took care of the property.

SUPERVISOR BREESE

What's your name?

JUSTIN TALLO, TALLO PROPERTIES, INC.  
My name is Justin Tallo. I'm the son.

SUPERVISOR BREESE  
Are you going to need any variances? Do you know at this point?

MICHAEL HOCHADEL, PETER L. MORSE & ASSOCIATES  
Not that I know of. We addressed . . .

SUPERVISOR BREESE  
You have enough parking?

MICHAEL HOCHADEL, PETER L. MORSE & ASSOCIATES  
We have enough parking, and we had parking in the front, straight spaces, but when we looked at the setback, they went into the setback by three (3) foot four (4), but then we angled them, and now it complies and there's enough parking spaces. There's ten (10) units and we have twenty-five (25) because there's two and a half (2½) parking spaces per unit.

COUNCILMAN MULLIGAN  
Any plans for any security?

JUSTIN TALLO, TALLO PROPERTIES, INC.  
Yeah. I think we were going to speak to ADT and have some sort of a security system for each apartment, as well as, obviously, deadbolts and, you know, just basic necessities.

SUPERVISOR BREESE  
So, the building itself is not going to change? Just what goes on in the inside of it?

JUSTIN TALLO, TALLO PROPERTIES, INC.  
We're not going to, like you said, we're not going to alter any of the building walls, any of the exterior structure, any of the roof. We're going to simply, the only exterior thing we're going to change is the siding itself, some of the entrances, we're going to install windows, new siding, new roofing, some landscaping.

SUPERVISOR BREESE  
How about the lighting outside?

JUSTIN TALLO, TALLO PROPERTIES, INC.  
We have addressed that in our drawings, which you guys are welcome to look at.

SUPERVISOR BREESE  
You'll have to deal with our staff on the lighting issues.

JUSTIN TALLO, TALLO PROPERTIES, INC.

Absolutely. We will comply with whatever requirements there are.

COUNCILMAN MULLIGAN

Do they have to go to Planning Board?

SUPERVISOR BREESE

No, because they're not expanding the building. Any other questions from the Board? They have to go to staff on issues about lighting and parking.

JUSTIN TALLO, TALLO PROPERTIES, INC.

Right.

SUPERVISOR BREESE

Would anybody in the audience like to speak on this Application? It's basically going, let me just finish, it's going from a commercial use, which it's been for many years, to a residential use. So, it's really a higher use. Just keep that in mind. Go ahead.

PATTI HUMPHREY, 3440 EAST RIVER ROAD

My name is Patti Humphrey and I live at 3440 East River Road.

SUPERVISOR BREESE

Where?

PATTI HUMPHREY, 3440 EAST RIVER ROAD

Right next door. I was under the impression that they were going to elongate the building as far as the exterior and make it bigger.

SUPERVISOR BREESE

That's not what we're hearing.

PATTI HUMPHREY, 3440 EAST RIVER ROAD

Okay. When he talked to me, but, I guess my concerns are the noise, and I asked when he came to my house if there was going to be a background, kind of, check, something possible like that with the tenants going in where, you know, being R.I.T. students there's already loud cars going across the road, and with the noise and things like that I wondered about the background of the tenants coming in. So, I think my husband has some questions, too.

MR. HUMPHREY, 3440 EAST RIVER ROAD

Hi, how are you doing? I live at the same place, so, next door to Treuthart. One of the things that we did like about it there was there's definitely a lot of privacy on that side of the road. There's not a lot of residential dwellings, for the most part, and Treuthart's

was a commercial business. My main concern is that since we've lived there, pretty much since 2000, 2001, there is a lot of noise from R.I.T. students already, mainly, I mean, cars going by at 3:00 A.M. with radios very loud, enough to make windows rattle and things, and also just, you know, this fast and furious craze with the tuners and the other cars, they whine them out going down the road early in the morning. My main concern would be that due to the amount of people that would be in that residence, especially catering towards the college student type crowd, would be, you know, parties, noise, loud music, things that would take away from, you know, normal quality life as a resident in Henrietta. So, I just wanted to . . .

PATTI HUMPHREY, 3440 EAST RIVER ROAD

You know, what was possible and having a time cut off as far as noise ordinance goes.

SUPERVISOR BREESE

That's really up to their management, and I would hope they would be good managers. I don't think they would want that kind of commotion on their property, hopefully.

JUSTIN TALLO, TALLO PROPERTIES, INC.

Can I say something?

SUPERVISOR BREESE

Yes, sure.

JUSTIN TALLO, TALLO PROPERTIES, INC.

Um, I don't know that we had communicated quite properly. My intention would not be necessarily to cater towards the R.I.T. Obviously, R.I.T. is very close, and so there will be a certain draw for college students, but um, I mean, I own a number of investment properties, rental properties already, and we always try and maintain, you know, a level of quality with all of our tenants just - somewhere because the area that we've, you know, selected to rent and we do a lot with the U of R already, had a lot of success, and obviously, you know, the way you check your tenants, and we try and stay active. People know that we're around constantly, you know, because we're taking care of mowing the lawns. We do all the maintenance ourselves, and that, what that does is it doesn't allow lawless behavior and we tend to have a lot better success with keeping everything under control, and we're always open to, if a neighbor has any problem of any kind, I have absolutely no problem with speaking to anybody and addressing any issue, and part of our lease agreement is, if a tenant does not comply with, you know, what the rules of the building are, that is, you know, not a habitable place for them, they're going to have to leave. So, I just wanted to . . .

SUPERVISOR BREESE

You'll stay in touch with these folks here?

JUSTIN TALLO, TALLO PROPERTIES, INC.

Absolutely.

SUPERVISOR BREESE

All right, fine. Thank you. Would anybody else like to speak on this Application? Yes, Sir?

JAMES WELLS, 3399 EAST RIVER ROAD

James Wells, 3399 East River Road, that's directly across the street from the property in question, the building in question. I have some serious concerns about this application. One happens to be, they used the word renovated. To me, that means that they'll take that structure that's already there and put ten (10) apartments in it. I can't even imagine, I can't even imagine what that would be like. My next concern too, is I believe that property is on a septic system, and I can't see how ten (10) apartments in that location could use one (1) septic system for waste. There's a lot of concerns that I have, but my main concerns are those two, and I wish the Board would address them.

SUPERVISOR BREESE

Well, thank you. That's an interesting point in terms of septic.

JERRY TALLO, TALLO PROPERTIES, INC.

Valid concerns, and we already have plans to, with the proper permits, drill under the road and tie into the sewer system. There's no way we would use the existing septic, and Sir, you're certainly welcome to take a look at our plans and see what the architect has worked out to squeeze ten (10) apartments into that.

SUPERVISOR BREESE

Okay. Thank you. Anybody else? Yes, Sir?

JAMES NELSON, 3389 EAST RIVER ROAD

My concern was, there's only three (3) houses right across the street from Treuthart Rugs. There's two (2) houses and then the brick house right next door, and it's always been a quiet area. To move ten (10) families or ten (10) units in there more than triples the everyday conduct of the area, and it just didn't seem like a good idea to put a ten (10) unit apartment building across from us because it's always been a quiet peaceful area.

SUPERVISOR BREESE

So, you'd like to see it stay commercial?

JAMES NELSON, 3389 EAST RIVER ROAD

Yes, either that or maybe a two (2) unit apartment. I don't want to put the construction down, but ten (10) families is just a lot.

SUPERVISOR BREESE

Thank you. Would anybody else like to speak on the Application? *(Pause - no response)*

JUSTIN TALLO, TALLO PROPERTIES, INC.  
May I say a word?

SUPERVISOR BREESE  
Sure.

JUSTIN TALLO, TALLO PROPERTIES, INC.  
Um, I appreciate everybody coming up and speaking their concern for the privacy and the quiet, you know, peaceful neighborhood. Um, I had spoken to a number of other neighbors as well in the area and tried to assure them that our intents were to keep it, you know, part of the building, even the parking that we're going to be doing is moving the parking away from the road and, you know, trying to keep it not right on the road so we're not trying to promote a very commercial area. I had spoken to the other commercial building, the dealership across the street, and he had, you know, approved of the usage. So, I just wanted to kind of . . .

SUPERVISOR BREESE  
Okay. Thank you. Anybody else on this Application? *(Pause - no response)* Okay. I'll adjourn this Public Hearing and we'll go into the regular Board Resolutions.

JERRY TALLO, TALLO PROPERTIES, INC.  
Thank you for your time.

SUPERVISOR BREESE  
If you want to stay around, we may deal with this a little later. So, stay and find out what's going to happen. May I have the first Resolution, please.

RESOLUTION #12-143/2006

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Yudelson

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

EXHIBIT A	Bills Payable dated 6/7/2006	\$ 328,108.51
EXHIBIT B	Manual Bills Payable	\$ 484.99

SUPERVISOR BREESE  
Discussion? Call the roll, please.



taken therein.

**SUPERVISOR BREESE**

Under discussion, I'm really disappointed that the Town has been put in this position, an adversarial position with the County of Monroe. I don't think it should have happened, but I don't think we have any choice. By the way, this Resolution, a similar Resolution was passed last night by the Rush Town Board. I think, my feeling is that we don't need to accommodate the County in their effort to use this so-called "interceptor" and the reason is because it could result in our Town losing our sales tax revenue. If we lose our sales tax revenue, which is Two Million Dollars (\$2,000,000) plus, then we have to make some choices here about whether we raise taxes or cut services. Those choices, I think, should be made by the County with the County tax and not by the towns or the school districts. But the way this is playing out, it appears that it's going to be forced down to the towns to make those decisions if we lose the sales tax. Another thing about what the County is trying to do with their lawsuit against the towns and the school districts is if this prevails in court, we would lose our right to later challenge the County in court if they choose to take away the Town's sales tax money, and I don't think that's right. I don't think that we should give away that right that we have. And if you read the legal papers, and I'm sure the Board members have, but it seems apparent the County is not expecting to gain approval from the State Legislature of their request for a three-quarter ( $\frac{3}{4}$ ) percent increase in the sales tax. So, if they don't get that, what are they going to do? I think they'll come back to us and maybe confiscate our sales tax money. So, and I don't like the way this was done, frankly, and I have a lot of respect for Maggie Brooks. I think she does a lot of good things, but I don't like the way they did this. They dumped this forty (40) page lawsuit on our desks on a Monday and said we have to have an answer by Friday. Well, you can't do that. That's not right. That's discourteous, it's not friendly, and I'm really sad that's the way they felt they wanted to do it. There was an extension given, but in any event, if we appear to be adversary with the County, so be it. I think we're responding on behalf of our taxpayers. We've got to protect their interests, and let's see how this plays out. I wish it hadn't happened. We didn't create the problem. The County has this deficit that they're blaming on Medicaid, but for years they haven't done much about that. They haven't adjusted their tax rates accordingly for the last five (5) or six (6) years, and now all of a sudden they're throwing that on the towns and the school districts. I just don't think that's right. That's all.

**COUNCILWOMAN McCABE**

I second that comment.

**SUPERVISOR BREESE**

Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye

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

Carried

RESOLUTION #12-145/2006

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Yudelson

WHEREAS, Ellie Wikle has resigned from the remainder of her term on the Henrietta Zoning Board effective June 30, 2006, and

WHEREAS, Robert Barley, Jr. is a qualified resident of the Town of Henrietta and wishes to serve on the Henrietta Zoning Board, and

WHEREAS, the Town Board wishes to keep the various Boards of the Town at their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Robert Barley, Jr., 27 Glen Acre Drive, Pittsford, New York 14534, be hereby appointed to the Henrietta Zoning Board for the remainder of the five (5) year term, effective July 1, 2006 and expiring December 31, 2008, at an annual salary of \$1,877.00, to be pro-rated for the year 2006.

SUPERVISOR BREESE  
Discussion?

COUNCILMAN MULLIGAN

Just under discussion, two (2) things. I would hope, as you always do, you write Ellie a letter thanking her for her many years of service, and two (2), just for the public's information, although Mr. Barley's address is a Pittsford mailing, he does live in Henrietta, like a lot of us.

SUPERVISOR BREESE

We know about that. He lives at a Pittsford mailing address. He just moved.  
*(Referring to Councilman Mulligan)*

COUNCILWOMAN McCABE

I think I'm the only one here that lives in Henrietta 14467.

SUPERVISOR BREESE

Call the roll, please.



On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Mulligan

WHEREAS, the 2006 Drainage Budget provides funds for obtaining professional engineering services for Capital Improvement Projects, and

WHEREAS, the Town of Henrietta has requested proposals from qualified engineering firms for design services and preparation of bid documents, and

WHEREAS, the Director of Engineering/Planning has carefully examined all proposals submitted for fairness and equitability for the scope of work to be performed and recommends acceptance of the proposal received from Corneles Engineering, P.C. for the Hanson Circle Culvert Replacement Project.

THEREFORE, BE IT RESOLVED, that Corneles Engineering, P.C., 3495 Winton Place, Building E, Suite 260, Rochester, New York 14623, be hereby authorized to provide professional design services for the Hanson Circle Culvert Replacement Project for an amount not to exceed \$7,350.00.

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/Planning.

SUPERVISOR BREESE  
Discussion? Call the roll, please.

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

RESOLUTION #12-148/2006

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Yudelson

WHEREAS, the Owner, Alleson of Rochester, Inc., will construct an addition for the Alleson of Rochester, Inc. building at 2921 Brighton-Henrietta Town Line Road, and

WHEREAS, in order to construct said Project, the portion of the existing watermain under the new building addition would have to be removed from said parcel being identified as Tax Identification Number 149.19-1-2.11, and

WHEREAS, the described portion of this existing easement is no longer needed by the Town of Henrietta, and

WHEREAS, the Town Attorney and the Director of Engineering/Planning have reviewed the Abandonment of Easement and recommended that the Town of Henrietta consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute the Abandonment of Easement, which shall be filed in the Monroe County Clerk's Office.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #12-149/2006

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Yudelson

WHEREAS, Resolution #8-43/2005 and Resolution #15-176/2005 secured independent consultant inspection services for construction projects, and

WHEREAS, it is necessary for developers to absorb these costs incurred by the Town for such services, and

WHEREAS, independent consultant inspection services billing, including all consultant costs, are at the hourly rate of Seventeen Dollars (\$17.00) per hour for Stephen R. MacIntyre and Eighteen Dollars (\$18.00) per hour for Stephan M. Pott, and

WHEREAS, current operating costs continue to rise.

THEREFORE, BE IT RESOLVED, that rate increases for Stephen R. MacIntyre to Eighteen Dollars (\$18.00) per hour and for Stephan M. Pott to Nineteen Dollars (\$19.00) per hour be hereby approved effective June 19, 2006.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #12-150/2006

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Mulligan

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 147 (BRODY-WARD SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED ON THE NORTH SIDE OF WARD HILL ROAD BETWEEN BRANCBROOK DRIVE AND PINNACLE ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

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RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 147 (BRODY-WARD SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1

WHEREAS, a written Petition for the establishment of an extension to Henrietta Water District No. 1 in the Town of Henrietta, County of Monroe, State of New York, to be known as Extension No. 147 (Brody-Ward Subdivision) of said Water District was duly presented to this Town Board, together with the necessary map and plan attached thereto, and

WHEREAS, pursuant to an Order a Public Hearing was held on the Petition, and the findings as specified on Exhibit "A" were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 147 to the said Water District as proposed in the said Petition be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such extension shall be designated and known as Extension No. 147 to Henrietta Water District No. 1 and shall be bounded as described in attachments annexed hereto.

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

SUPERVISOR BREESE  
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #12-151/2006

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Mulligan

---

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 14 (BRODY-WARD SUBDIVISION) TO THE HENRIETTA DRAINAGE DISTRICT LOCATED ON THE NORTH SIDE OF WARD HILL ROAD BETWEEN BRANDBROOK DRIVE AND PINNACLE ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

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RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 14 (BRODY-WARD SUBDIVISION) TO THE HENRIETTA DRAINAGE DISTRICT

WHEREAS, a written Petition for the establishment of an extension to the Henrietta Drainage District in the Town of Henrietta, County of Monroe, State of New York, to be known as Extension No. 14 (Brody-Ward Subdivision) of said Drainage District was duly presented to this Town Board, together with the necessary map and plan attached thereto, and

WHEREAS, pursuant to an Order a Public Hearing was held on the Petition, and the findings as specified on Exhibit "A" were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 14 to the said Drainage District as proposed in the said Petition be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such extension shall be designated and known as Extension No. 14 to the Henrietta Drainage District and shall be bounded as described in attachments annexed hereto.

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

**SUPERVISOR BREESE**

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

**RESOLUTION #12-152/2006**

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

WHEREAS, the Town Board of the Town of Henrietta has received a request for the rezoning of approximately 1.9 acres of land located at 3400 East River Road, identified as Tax Account Numbers 160.04-1-25 and 160.04-1-26, from Residential R-1-15 to Residential R-2-15 along with an Application for a Special Use Permit for up to a ten (10) unit, multiple dwelling apartments, and

WHEREAS, maps and descriptions of the lands under consideration are on file in the Office of the Town Clerk, and

WHEREAS, consideration of this proposed zoning change exceeds one or more thresholds for a Type I Action, as stated by Section 617.4 of the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA) such an Action is a Type I Action, and

WHEREAS, a Long Environmental Assessment Form (EAF) has been prepared for the proposed rezoning, and

WHEREAS, the Henrietta Town Board declared its intent to be the Lead Agency for the Environmental Quality Review, and

WHEREAS, the Henrietta Town Board is the sole approval board or agency affected by this Action, and

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by these rezoning and Special Use Permit Applications, pursuant to Section 617.7 of SEQRA, and

WHEREAS, pursuant to an Order, a Public Hearing was held on June 7, 2006.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency status for the environmental review of described rezoning under the State Environmental Quality Review Act (SEQRA) and has determined that the proposed Action therein described will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be required and therefore issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms, and adopts the rezoning and approval of Special Permit Number 2006-059 for up to a ten (10) unit, multiple dwelling apartments at 3400 East River Road, upon the terms and conditions set forth on the Record at the Henrietta Town Board Special Permit Hearing held on June 7, 2006, this parcel being rezoned to Residential R-2-15, and that the approval be subject to the owners and operators tying into the sanitary sewer line on East River Road.

SUPERVISOR BREESE

Under discussion, this says up to ten (10) units, which perhaps will work, but it's certainly subject to staff review and Health Department review, and maybe the ten (10) will work, maybe it won't. But it is connected now to the sewer issue, which you've already indicated you want to do, you want to connect to the sewer on East River Road.

So, I think that's a good Resolution, that's a good condition that you put on it, Councilman Mulligan.

COUNCILWOMAN McCABE

Very good. Just under discussion, Mr. Supervisor, I know that we have, this is an apartment complex that we have just approved, or that we're about to approve.

SUPERVISOR BREESE

Yes, right.

COUNCILWOMAN McCABE

It's different than the other apartment complex that we denied earlier . . .

SUPERVISOR BREESE

Oh, yes.

COUNCILWOMAN McCABE

. . . because the other one was right in the middle of a residential area. This one is on a main road, and we felt, therefore, I feel, therefore, that this is an appropriate use of an existing commercial building, turning it into residential.

SUPERVISOR BREESE

Thank you. Anybody else? Call the roll.

Duly put to a vote:

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

Carried

SUPERVISOR BREESE

Good luck.

RESOLUTION #12-153/2006

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Yudelson

BE IT RESOLVED, that the following persons be hired:

Recreation                      As per the attachment.

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

Arthur Lebowski                      Animal Control, from On-call ACO to Part-time ACO,  
at same rate of pay (\$12.17/hr.), effective 5/31/2006.

Alan DiSilva                      Animal Control, from Part-time ACO to On-call ACO,  
at same rate of pay (\$10.15/hr.), effective 5/31/2006.

Andrew Moriarty                      Recreation, Part-time Recreation Assistant @  
\$8.00/hr. from \$7.00/hr., effective 5/1/2006.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye

Councilwoman Zinck            voting            Absent  
Supervisor Breese            voting            Aye  
Carried

SUPERVISOR BREESE

That's the end of the regular meeting. Is there anyone who would like to speak on any other items involving the Town before we adjourn?

COUNCILMAN YUDELSON

Move we adjourn. Oh, I'm sorry Linus.

SUPERVISOR BREESE

You can't cut off Linus.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Supervisor Breese, members of the Town Board, good evening. While in Florida, I received word that home assessments were mailed out to Henrietta residents. Expecting to receive a letter like usual, one never arrived. All of my other mail did arrive. Upon my arrival home in early May, I checked the Town records and noticed an increase in my assessment like most residents. Oh, well, that wasn't the problem. The problem was, where was my notification of the new assessment? Checking at the Assessor's Office, I was told that it was mailed out with everyone else's. Further investigation at the post office, I was advised by the postal supervisor that the assessments were mailed out from the Town of Henrietta third class mail. When this is done, no mail is forwarded to other assigned locations because it was third class mail, and it was like the other third class mail, thrown out in the garbage. The post office supervisor at Goodburlet Road and East Henrietta Road stated that he had a number of complaints regarding this problem. For something as important as new assessments, I think a new procedure should be implemented. In other words, they probably should go out first class mail so that they're forwarded. Third class mail is thrown in the garbage. Somehow those seem to be important. Second item, Martin Road and West Henrietta Road, if you have the chance, take a look at the new white privacy fence erected at the corner of Martin Road and West Henrietta Road. Not only is it not appealing or esthetically attractive, something is lacking to beautify that corner, those fences are, in most cases, very nice. But right there as you come south on West Henrietta Road, make a left on Martin Road, staring you right in your face is that privacy fence, and it's there probably for the reason of the homes in the back there, but something else, it seems, could have been more attractive and eye appealing put there instead of those, that white fence in that area because that is an area there at one time was obviously all fields. Now it's homes and there's some beautiful houses and some of those people have spent a lot of money putting decks on it and doing all kinds of additional work. The recently planted pine trees are planted extremely close to the fence, note though, obviously not allowing for future growth. They're right up tight against the fence. Who would plant those trees that close to a fence and expect them to look and grow. Was this the builder, Faber? I think it's Faber's complex, responsibility, I'm not sure. Also, who is responsible to maintain that area alongside

the fence towards the road? At present, the overgrowth, the weeds and grass has grown to over two (2) feet, well above the Town Code maximum height of six (6) inches, and on the east side of West Henrietta Road, there's quite a drop off, and for anyone to get in there with a mower is very, very dangerous and someone will have to get in there with the weed eater, maybe somebody with any kind of special kind of equipment, they probably could get in there and take care of it. But, it doesn't look good for an area in Henrietta. Third thing, Supervisor Breese, July 9<sup>TH</sup>, 2004, I spoke to your office in reference to my property at 1412 Martin Road that abuts to the Town Park. At that time, you sent Mr. Chuck Marshall to my residence regarding my concerns. Here it is, June 7<sup>TH</sup>, 2006, and the problem has not really been corrected. They're working on it, and I've heard that for three (3), four (4) years, ever since 2003. Please refer back to my letter dated September 29<sup>TH</sup>, 2003, a copy sent to you, Mr. Breese, Town Councilperson, Catherine McCabe, and to Bill Dykstra regarding the problem. Over the past three (3) years, progress has been extremely slow. The answer is always, the answer has always been, "oh, it's the weather," and, "it wasn't my job," or, "the other guy was going to take care of it." I know Chuck has worked on it, but somehow, somehow, there's a surge and then the electricity goes someplace else. Could you please advise me if you have any further information regarding this situation. I have a notebook, pages full of dates, times, that I've spoken to different people. But on the light side, I'd like to say something about the two (2) young men today that mowed the Town Park, Martin Road Park, that is. Not only did they do a nice, neat job, but were pleasant and were proud to be doing their job. One individual said, "I hope that it looks good to me," meaning me, and "I want it to look good because I like what I'm doing." It's amazing. But, he was nice guy. Also, the new signs at various locations throughout the Town of Henrietta, Welcome to Henrietta, look good, especially the one located at Locust Hill Club, golf club. I think that is a good move. Thank you very much.

#### SUPERVISOR BREESE

Thank you, Sir. Anybody else like to speak before we adjourn? *(Pause - no response)*

#### COUNCILMAN YUDELSON

Before moving for adjournment, I'll note that those signs were suggested by Mr. Rautenstrauch. Thank you.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelton, seconded by Councilwoman McCabe at 8:35 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk