

**HENRIETTA TOWN BOARD
AGENDA
MAY 16, 2012**

Supervisor Yudelson
Councilman Mulligan
Councilwoman Zinck
Councilman Moore
Councilman Page

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 2, 2012
 - On Motion of: Councilwoman Zinck Seconded by: Councilman Moore
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Rezoning of Land Located on the West Side of East River Road from Residential R-1-15 and Industrial to Residential R-2-15 – Jayne’s Riverview, LLC
8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
9. Reports of Standing Committees and Actions Thereon
10. Reports of Special Committees
11. Public Comment
12. Adjournment

Presentation – 7:00 P.M.

Antoinette Brown Blackwell Awards – Tina Thompson

RESOLUTION #11-111/2012

Authorize Accounts Payable

RESOLUTION #11-112/2012

Authorize Rezoning of Land Located on the West Side of East River Road from Residential R-1-15 and Industrial to Residential R-2-15 – Jayne’s Riverview, LLC, in Conjunction With Special Use Permits for Proposed Construction of 84 duplex units, 96 townhomes, and 144 apartment units

RESOLUTION #11-113/2012

Award Low Quote – John Street/University Park Pump Station Control Panel Project

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RESOLUTION #11-114/2012

Authorize Correction to Resolution #3-57/2012 - Purchase of State Contract Vehicles – Three (3) Chevrolet Silverados – Engineering and Parks and Facilities Department

RESOLUTION #11-115/2012

Authorize Supervisor to Execute Easements

RESOLUTION #11-116/2012

Authorize Personnel Items

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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 16th DAY OF MAY, 2012 AT 7:00 P.M.

MEMBERS PRESENT

Supervisor Michael B. Yudelson
Councilman William J. Mulligan, Jr.
Councilwoman Janet B. Zinck
Councilman John W. Moore
Councilman M. Rick Page
Daniel J. Mastrella, Town Attorney
Leann C. Case, Interim Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Good evening, everyone. Thank you for your patience tonight. We have several important things tonight, but none of them are more important to us than our annual award ceremony for the Antoinette Brown Blackwell Awards. So, we want to move right into that, and I would welcome first up to the microphone, Virdell Robbins.

(During the Thirtieth Annual Antoinette Brown Blackwell Society Ceremony, the members presented the 2012 Henrietta Woman of the Year Award to Linda Bryant; and the 2012 Scholarship to Olivia Dioguardi.)

SUPERVISOR YUDELSON

Thank you, Virdell. And thank you to your whole Committee. We appreciate it, and we offer our congratulations, again. It's good to see Helen, our former Town Historian. When she talks about the male dominated world, just yesterday Betty Miller called and left a message for me, "You're paying for the flowers again!" *(Laughter)* But, I know her as "Mom", a nickname. We'll see you out there. Save us a cookie. We have to do the rest of our meeting.

COUNCILWOMAN ZINCK

Save us a cookie.

SUPERVISOR YUDELSON

Thank you. We're going to start the rest of the Town Board meeting in just a minute. We'll give everyone a minute to clear, if they're not here for the other business.

(Brief Intermission)

SUPERVISOR YUDELSON

Okay. We are going to continue with the rest of our Agenda, at this point, and if I could have the approval of the Minutes of the preceding meeting.

COUNCILWOMAN ZINCK

I'd like to move approval of the Minutes of the May 2, 2012 meeting.

COUNCILMAN MOORE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

SUPERVISOR YUDELSON

At this point, we have the continuation of our Public Hearing on the proposed rezoning of land located on the west side of East River Road from Residential R-1-15 and Industrial to Residential R-2-15 for the Jaynes Riverview, LLC Project. We have, just for the Record, had comment in the form of a Public Hearing, in previous sessions, and although we would entertain any further public comment, at this point, it was really the intent of continuing it to this point, was to allow the Town Board to digest the information that was presented to them. There are also, for the Record, associated Special Use Permits that are listed on the back of this Special Use Permit Agenda that we will address later on in this Agenda. So, at this point, do any of the Board members have anything further, in the form of comment and/or questions for the Applicant? Okay, and is there anything else the Applicant feels they need to present? And, that only leaves any further comment from the public, at this point? *(No response)* If not, I will close the Public Hearing, and there is a Resolution on that shortly. Could I have the first Resolution, please?

RESOLUTION #11-111/2012

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

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BE IT RESOLVED, that the Supervisor or his designee be authorized to pay the following bills payable:

EXHIBIT A	Bills Payable dated 5/16/2012	\$ 158,162.51
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SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye
	Carried	

RESOLUTION #11-112/2012

On Motion of
Councilman Page

Seconded by
Councilman Moore

WHEREAS, the Town Board of the Town of Henrietta has received a request from the Owner, Jayne's Riverview, LLC of three (3) contiguous parcels located on the west side of East River Road, across from Brooks Road, and north of the Graywood Meadows Subdivision, identified as Tax Account Numbers 174.03-2-1.2 (Parcel "G"), 174.03-2-2.0 (Parcel "H") and 188.01-1-8.121 (Parcel "K"), to consider the rezoning of approximately 69.6 of the 142.8 acres of which the three (3) parcels are comprised from Industrial (45 acres of Parcel G) or R-1-15 (Parcel H and 22.8 acres of Parcel K) to R-2-15, 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 Project by the Henrietta Town Board exceeds one or more thresholds for a Type 1 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 1 Action, and

WHEREAS, an Environmental Assessment Form (EAF) has been prepared for the proposed Project, and

WHEREAS, the Henrietta Town Board declared its intent to be the Lead Agency for the environmental quality review, and no other interested agency indicated a desire to serve as Lead Agency, and

WHEREAS, the Henrietta Town Board has reviewed the environmental issues raised by this rezoning, pursuant to Section 617.7 of SEQRA, and

WHEREAS, pursuant to an Order, a Public Hearing was held on April 18, 2012,

May 2, 2012, and May 16, 2012.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency status for the environmental review of the 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 a Negative Declaration under the State Environmental Quality Review Act (SEQRA) annexed to this Resolution be and hereby is adopted and the Town Supervisor and Town Staff are hereby directed to take all action necessary to effectuate this Negative Declaration, including but not limited to filing the Negative Declaration, as required under the State Environmental Quality Review Act (SEQRA).

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms, and adopts the rezoning of said land being rezoned to R-2-15, as per the attached legal description.

SUPERVISOR YUDELSON

Under discussion, just a procedural question for the Attorney; my understanding is with the consideration later on of the Special Use Permits for each one separately for the duplex units, the townhomes, and the apartment units, that this is the type of zoning that allows each of those types of uses with those Special Use Permits. So, this Resolution is to consider the rezoning itself, and for the later Special Use Permits will be for the Board's vote on each of those types of uses, if the rezoning . . .

DANIEL MASTRELLA, TOWN ATTORNEY

That's correct. I'll just point out that the rezoning here allows the project, as designed and presented, there were some, you know, a fair amount of acreage that wasn't rezoned that was also under consideration because of the use of the property when you get to the Special Permits, but this allows the Special Permits to be issued, as requested, if this is adopted.

SUPERVISOR YUDELSON

Okay. Discussion from the Board?

COUNCILMAN MULLIGAN

Under discussion, and I'm directing this to the developer, one of the issues that we don't have any real control over is on these properties that are privately owned, that if a homeowner's association is set up, our thought would be that they be owner occupied. Councilman Page brought that up early in the discussion, and although we can't mandate that or require that, we would like to see that in lieu of the fact that some of these neighborhoods have turned heavily into student housing. So, hopefully you're sensitive to that, and can possibly act on it.

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COUNCILMAN PAGE

And, there are existing homeowner's associations in effect in Henrietta today that have that exact requirement. So, it's not something . . .

PETER VARS, BME ASSOCIATES

I just want to make sure we understand. I understand the comment. I just want to make sure that's for all of the units that would be owned. That would be the single family, the duplex patios and the townhomes?

COUNCILMAN MULLIGAN

Correct.

PETER VARS, BME ASSOCIATES

Okay, we just want to make sure we understand that.

COUNCILMAN PAGE

Thank you.

SUPERVISOR YUDELSON

Thank you.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

I just want to further understand. Is that a condition of the approval, that that be language . . .

SUPERVISOR YUDELSON

No.

COUNCILMAN MULLIGAN

We can't require that.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN

It's not that we're opposed to it. My only concern would be, and I'm just thinking out loud here, is that say I own the home and I get transferred out of state for a period of time. I may want to rent that house until I can sell it. Are those, is that language, I mean I'd love to see the . . .

SUPERVISOR YUDELSON

I think if I can preempt the discussion about those kinds of conditions, as Councilman Mulligan just said, we revised and I think some of us felt more comfortable with not making that a condition, that it really wouldn't be appropriate for us to make it a condition. I think the Councilman was speaking to what we would hope to see because of the problems we've encountered in trying to deal with . . .

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STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN
I understand that.

SUPERVISOR YUDELSON
. . . as you're well aware of.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN
Sure.

SUPERVISOR YUDELSON
And, so I would just say, as we're staying out of that area of setting it as a condition, we would hope that you understand the intent and the desire of the Board and then figure that out, as you set up your homeowner's association.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN
And if I could get copies of those homeowner's associations to see what kind of language you're comfortable with, that would be useful.

SUPERVISOR YUDELSON
Right. Okay.

STEVE TROBE, ARCHITECT, GRAYWOOD DESIGN
Okay. Good.

SUPERVISOR YUDELSON
Thank you. Anything further from the Board? Okay. Call the roll, please.

Duly put to a vote:		
Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #11-113/2012

On Motion of Councilman Moore	Seconded by Councilman Page
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WHEREAS, two (2) quotes were received for the John Street/University Park Pump Station Control Panel Project, and the low quote, meeting specifications, was received from Zeller Corporation, for a total cost of \$24,985.00.

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THEREFORE, BE IT RESOLVED, that Zeller Corporation, 1000 University Avenue, Suite 800, Rochester, New York 14607, be hereby awarded the quote, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Zeller Corporation, in an amount not to exceed \$24,985.00, 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:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #11-114/2012

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, Resolution #3-57/2012 authorized the purchase of three (3) new 2012 Chevrolet Silverado's, and

WHEREAS, the total amount authorized for said purchases was \$53,977.92, and

WHEREAS, in the calculation of the total to be authorized the price for the towing package for one (1) vehicle was omitted, and the correct total amount should have been \$54,338.37.

THEREFORE, BE IT RESOLVED, that the Supervisor or his designee is hereby authorized to pay an additional \$360.45 to Hoselton Chevrolet, Inc., 909 Fairport Road, East Rochester, New York 14445.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #11-115/2012

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, pursuant to the regular business of the Town it is requested to accept easements for drainage, sewage, water main facilities and related easements and documents, and

WHEREAS, it has become the common practice of the Grantor to require the Town to execute said easements to acknowledge the Town's obligations thereunder, and

WHEREAS, the Director of Engineering and Planning and the Town Attorney regularly review said easements and authorize their recording, and

WHEREAS, the Town Board does not wish to review and authorize by a Resolution each and every easement presented to the Town.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute any such easements on behalf of the Town.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #11-116/2012

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

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

John Murphy	Highway, Part-time Dispatch to Seasonal Laborer @ \$9.25/hr., from \$8.50/hr., effective 5/14/2012. (Correction from Resolution #10-110/2012)
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SUPERVISOR YUDELSON

Discussion? Call the roll, please.

TB May 16, 2012

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

In a second, we're going to go back to the Special Use Permit section of the meeting on the Project we were just discussing. But before doing that, is there anyone who would like to speak on any other matter involving the Town of Henrietta? *(Pause, no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Mulligan at 8:15 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Interim Town Clerk