

**HENRIETTA TOWN BOARD  
AGENDA  
DECEMBER 19, 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):
  - December 5, 2012
  - On Motion of: Councilwoman Zinck      Seconded by: Councilman Moore
6. Miscellaneous Communications
7. Public Hearing:
  - Proposed Rezoning/Special Permit for Parcel of Land Located on the North Side of Lehigh Station Road – Lehigh Park Associates, LLC
8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
9. Reports of Standing Committees and Actions Thereon
10. Reports of Special Committees
11. Public Comment
12. Adjournment

**RESOLUTION #23-191/2012**  
Authorize Accounts Payable

**RESOLUTION #23-192/2012**  
Authorize Tax Certiorari Settlement – 935 Jefferson Road – Capital BC Restaurants, LLC and Bugaboo Creek Holdings, Inc.

**RESOLUTION #23-193/2012**  
Authorize Payment – Arnold Goldman of Goldman and Goldman - Legal Certiorari Attorney Services

**RESOLUTION #23-194/2012**  
Accept Dedication of Sanitary Sewer Force Main – DDS Companies, Inc.

**RESOLUTION #23-195/2012**  
Authorize Supervisor to Sign Out-of-District Sanitary Sewer Contract – 3520 Winton Place

RESOLUTION #23-196/2012

Authorize Supervisor to Sign Amendatory Agreement – County of Monroe  
Intermunicipal Agreement for Snow Removal and Ice Control Services

RESOLUTION #23-197/2012

Call for Public Hearing – Florendin Drive No Parking Zone

RESOLUTION #23-198/2012

Award Quote – Flooring Contract – Bushman Cabin

RESOLUTION #23-199/2012

Authorize Proposal for Audit Services

RESOLUTION #23-200/2012

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 19<sup>TH</sup> DAY OF DECEMBER, 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, Town Clerk

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

**SUPERVISOR YUDELSON**

Before we get going with the Public Hearing, I'll just ask, at this point, if there is anybody who would like to comment on any of the other Agenda items, besides the Public Hearing? (Pause, no response) If not, may I have the approval of the Minutes, please?

**COUNCILWOMAN ZINCK**

I'd like to approve Minutes of the December 5, 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 Yudelson	voting	Aye

Carried

**SUPERVISOR YUDELSON**

Now we have the Public Hearing on the proposed rezoning and also Special Permit for land located on the north side of Lehigh Station Road, from Lehigh Park Associates. And just if I can tell you how we're going to proceed, first we're going to hear from the Applicant and they have a couple different people who are going to present the information. And then we will give everybody who would like to speak the opportunity to do so. I will just, at that time, I'll just ask for hands and we'll try to just work through the

room, we didn't do a sign-up sheet, and call on you. When you do come up, we're going to ask that you come up to the podium and give your name and address so the Clerk has it. Please stay at the podium because she does do Minutes of the meeting and we need you to be speaking into the microphone. And we're going to ask that everybody, in the interest of fairness, so everyone gets to speak, speak one time and keep your comments to two or three minutes at the most and we'll try to make sure everybody gets that opportunity. So at this point, I'll turn it over to Mr. Riley.

**DONALD RILEY, MARK IV ENTERPRISES**

Thank you very much. In spite, thank you Mr. Supervisor, members of the Board and those in attendance, in spite of the pain that this country is going through, we do wish everyone a Merry Christmas and a Happy Chanukah and to the extent that families can come together as a country with what's going on, we understand that and we do want to spend a few minutes this evening talking about our proposal. Frank Hagelberg is counsel to this project and in front of some of you appeared here in 2006 on the so-called first phase of the proposal. Also, Anthony DiMarzo and Chris DiMarzo, the owners of the Lehigh Park and some of the many other communities that have been developed in Henrietta. As a company, which Tony started twenty-five (25) years ago, we've built over seven hundred (700) residential units in this community. Among those, Edgewood Estates, Huntington Park, Heritage Meadow, Stone Hill Estates, Jefferson Estates, Erie Station and the first phase of Lehigh Park. And the one most recent, along with Lehigh Park, that we're so proud of is that Erie Station, our senior living community, Legacy at Erie Station, which joined seven (7) others in this community in the greater Rochester area. My business address is 301 Exchange Boulevard. During, and by the way, we'd like to thank Board Members through workshops and the Supervisor and the head of the Engineering Department and the neighbors that took the opportunity to come and meet with us at the club house at Lehigh Park to get a real look at what is there to recognize a major accomplishment. Before 2006, we had, we being the Town of Henrietta, had a failed project known as Autumn Woods, a partially completed, never completed project stood there and a dank reality became a public nuisance. And quite frankly, as the leadership of this community and others said, a real nightmare for Henrietta and for the neighbors there. Upon taking that obligation on in 2006, we sought a rezoning and there are some issues that some members, Councilman Page and Councilman Moore, were not on the Board at the time, and we want to talk about a couple of those different issues because during our review with the Town and with some of our neighbors, those issues were floated and there are some, I think, gross misconceptions that we'll be speaking to in a few minutes. Along with us tonight is Frank Dolan, who was brought on to our team as the Traffic Engineer, and he'll be introduced by Frank Hagelberg in a few minutes as a distinguished career in both the public and private sector when it comes to traffic issues. And as we've learned in other places like Pittsford recently, where we just recently received an approval, there's anecdotal traffic information and then there's real traffic information and maybe we can cut through some of those. The short and the long of it is our proposal has asked for rezoning so that we

can complete a second phase of Lehigh Park. Lehigh Park has been a tremendous success as an apartment community. And in discussions with the Town Board and other members, we did a quick little review of the profile and you have attracted to Henrietta and to Lehigh Park, some wonderful residents, some of whom are completing their medical degree at the University of Rochester. We have school administrators, we have principals, we have systems analysts, we have retirees. There are a few children that actually live there; I think there's ten (10) or twelve (12) children, listed as children, who live there. But by all accounts, it became a fully occupied and very successful community very quickly. In 2006, one of the speakers at the hearing was from Matthews & Fields. They obviously had a neighbor that they weren't too thrilled with, namely the uncompleted Autumn Woods, and they spoke favorably on behalf of the project. But what we didn't know in 2006 we do now know, that it's successful, that it has been an asset to Henrietta and by some accounts, from some of the neighbors, an asset to the neighborhood. It has not produced some of the issues that were raised then, when it comes to some of the technical questions of traffic and other associated issues, so as an introduction we thank you for the opportunity. By the way, Bryan Powers is also with us this evening, Bryan is the head of our engineering. Bryan spent twenty (20) years with Sear-Brown before we stole him away and brought him in house. He has a great dimension when it comes to issues such as drainage. That is a topic that you may hear some discourse on this evening. So this is going to be a quick form of a review for our incumbent members, Janet and Bill and yourself, Mike, and a new review for Rick Page and Jack Moore. And hopefully, we can reconcile some of those misgivings and misunderstandings and deal with this Application. We thank you for the opportunity to present this and without further ado, it's my pleasure to ask Frank Hagelberg. Frank has spent forty (40) years in the real estate world of law and zoning and planning and it's, as you know, and as I knew for years, it's not an uncomplicated discipline and he's become a real pro at it, battle weary I guess would be the fairest way to describe him. We're here for the duration and, as always, we're available to all of our neighbors at Lehigh Park, welcome them to take a visit. I don't know if any of the neighbors have sold their homes and moved there yet, but it wouldn't surprise me if that's actually taken place. We also are your neighbor, Mr. Supervisor, Board Members, we bound you to the south, and I didn't realize how big your campus was here until I parked over by one of your recreation buildings and took the hike across the fields down the trail. That's a substantial trail in there. Both our neighbors from Florendin and ourselves border that trail and share that trail and we will continue to try to be respectful, good neighbors. And so for purpose of presentation, Frank Hagelberg. Thank you.

FRANK HAGELBERG, LEGAL COUNSEL TO LEHIGH PARK ASSOCIATES, LLC

Thank you Don, mentioning that I've been doing this for forty (40) years is the most depressing thing I've heard so far today. *(Laughter)* Good evening, my name is Frank Hagelberg, I'm counsel to Lehigh Park Associates, LLC, the Applicant, also offices at 301 Exchange Boulevard. I want to thank Don for his introduction and thank you for your attention to this. As Don indicated, this is an Application for rezoning and for a Special

TB December 19, 2012

Permit for the construction of Phase Two (2) of the Lehigh Park Apartments on the north side of Lehigh Station Road. I'll try and speak loudly while I just point out the project.

SUPERVISOR YUDELSON

There is a...

FRANK HAGELBERG, LEGAL COUNSEL TO LEHIGH PARK ASSOCIATES, LLC

There's a mic?

SUPERVISOR YUDELSON

...on the stand there, in between a couple of the things, there is a handheld mic that you can...

COUNCILWOMAN ZINCK

Behind the... in the middle.

COUNCILMAN PAGE

It might even work.

SUPERVISOR YUDELSON

Is it on? It should be on.

FRANK HAGELBERG, LEGAL COUNSEL TO LEHIGH PARK ASSOCIATES, LLC

It is.

SUPERVISOR YUDELSON

There you go.

FRANK HAGELBERG, LEGAL COUNSEL TO LEHIGH PARK ASSOCIATES, LLC

Requests? No. The existing Lehigh Park, section one (1), and I'll show it to the Board first and then turn it around, is shown here. The portion that is the subject of this Application is this area, and actually goes all the way back, although the area that we're talking about developing is seven and a half (7-1/2) acres and the area behind that is either available or can be dedicated to passive recreation purposes is eleven (11) acres. So we're only building on a portion of the property. Let me show this to the audience if I may. The darker area is the existing Phase One (1), and the lighter area is the proposed Phase Two (2), and the area to the right is the open space or, I'm not sure what the exact disposition will be other than to note that it will not be built upon. No structures will be built there, might be trails or the like put in there. Many of you have seen the existing Lehigh Park development, Phase One (1), which we think is a very handsome development. As Don said, is an answer to what had been a nightmare with Autumn Woods. I don't know how many people in the audience have had an opportunity to see Phase One (1), but those are some photos of that. And then we have an aerial showing

the outline of the property. As Don indicated, we acquired the former Autumn Woods property in 2006, we were here in 2007 for the rezoning and the Special Permit and Phase One (1) is sixteen (16), eight (8) unit, two (2) story buildings, containing thirty-two (32) one (1) bedroom units and ninety-six (96) two (2) bedroom units. It was completed in 2009. The apartments range from eight hundred and ten (810) to eleven hundred eighty-seven (1,187) square feet. We're talking about a similar community for Phase Two (2), as the expansion and the natural development of the rest of this community. Each apartment has a separate entrance. There are community facilities, including a fitness center, a swimming pool, and meeting space. And the property is serviced, we think it's very important to note, by a private road that's built to Town Specifications. The other important thing to note on the site plan is that there is one (1) entrance from Phase One (1) onto Lehigh Station Road. The development of Phase Two (2) will not, underline, will not involve an additional curb cut onto Lehigh Station Road. Instead, the area that will be Phase Two (2), will connect to the existing Phase One (1) in two (2) places and all of the traffic from both Phase One (1) and Phase Two (2) will utilize the existing driveway onto Lehigh Station. We're not cutting through to Florendin. We're not doing anything other than keeping the access point we have right now. We'll talk about the traffic implications of that in just a moment, but I think consistent with the idea of the next phase, the existing traffic pattern will be maintained. The property which is the subject of this Application is owned by the Chu family. We have their consent to bring this Application tonight. We're calling for eight (8), eight (8) unit, two (2) story buildings, again, containing one (1) and two (2) bedroom units. The buildings will be a minimum of one hundred feet (100') away from the property line and approximately one hundred and eighty feet (180') to two hundred feet (200') away from the homes on Florendin Drive if you measure from building to building. In addition, we're talking about a landscape buffer on the east side, along the east boundary of the property in order to shield the view between the backyards of Florendin and the buildings on Phase Two (2). And the residents of Phase Two (2) will also be able to take advantage of the community facilities in Phase One (1): the swimming pool, the meeting rooms, the fitness center, and the like. The Chu property is currently zoned R-1-15. We're looking for a classification of R-2-15, which is the same Application as this Board heard several years ago. I've submitted a letter to the Board, which you have in that packet. And I just want to briefly summarize a couple of points. The first point is that I would submit that the rezoning request is consistent with the goals of the 2003 Comprehensive Land Use Plan and those goals remain unchanged by the 2011 Strategic Update to the Comprehensive Land Use Plan. And it's consistent with the Comprehensive Land Use Plan in two (2) respects. First, the Plan talks about providing diverse, high quality housing opportunities for mature adults and seniors who are downsizing and want to remain in the community. They may not want to have a single family house. They want the maintenance taken care of. They want to downsize. This gives them that opportunity. It also provides additional housing opportunities for single adults, for couples who are not ready to own their own homes. As Don indicated, we've done a very careful demographic study of the residents in Phase One (1). We're not, we don't expect, and I think I indicated in 2006, past

performance is not a guarantee or whatever that phrase is. Actual mileage may vary. But we estimated, projected at that time, based on other projects that we've been involved in, that we would probably have about ten (10) school age students living in Phase One (1). Our current demographics indicate that's almost exactly accurate. There are ten (10), maybe twelve (12) school age students, so we don't anticipate very much of a burden on the school system. To the contrary, we expect the Assessor is probably rubbing hands in delight over the prospect we'll be contributing based on property taxes to the School District's budget. So the first element of the Comprehensive Land Use Plan is to provide those housing opportunities and the second is to create a buffer between otherwise incompatible uses by continuing the orderly transition between the single-family residences to the east of the Chu property and the Commercial/Industrial developments to the west in and about the I-390 interchange. The Comprehensive Land Use Plan talks about those things, we spoke about them in 2006, we think this is a logical extension of that. As I noted in my letter, the courts in New York have said that the ultimate test of the validity of a change in zoning regulations or districts is whether or not it's consistent with the municipality's growth and development goals and whether the amendment is calculated to benefit the community as a whole and not simply a particular land owner. We believe that this project will, in fact, benefit the community as a whole. It will expand an already successful and one hundred percent (100%) occupied with a waiting list Phase One (1) with an attractive residential community. We said in 2006 that with all due respect to other existing apartments in the area, we're not building red brick fortresses. You can see the nature of these buildings and it is a marked departure from that. Again, we're going to continue that and Phase One (1) has shown us that the population is a stable mix of empty-nesters, seniors, singles, and young couples. And as I mentioned, we're talking about almost eleven (11) acres of space to the north that will be available. My letter speaks to the multiple residence ordinance requirements, which are quite lengthy and exceedingly boring and I'm not going to go through them here, other than to say that I've recited in my letter the way each of those standards has been met. To the same effect, the Special Permit requirements that are set forth in the ordinance are listed in my letter and I've indicated the way in which we believe each of those Special Permit requirements have been met. We've also submitted a long form Environmental Assessment Form and we would also formally request that, based on the information submitted in the EAF (Environmental Assessment Form), that a Negative Declaration is appropriate under SEQRA indicating that there's no substantial adverse impact on the environment. Let me turn my attention to three (3) issues very briefly and I'm going to ask for Mr. Dolan's help and Mr. Power's help on two (2) of them, but let me address one (1) of them first, myself. It's our understanding that there are those who believe that in 2006, we indicated that we would stop at a hundred and twenty-eight (128) units and we would never, ever, ever come back and ask for any more units anywhere else and that somehow asking for approval of Phase Two (2) represents a breach of that representation or that understanding. We took the opportunity to look at the Minutes of December 12, 2006 and I took the liberty of making copies, it's about a page and a quarter of the relevant portion of those Minutes

and I'd like to distribute that to the Members of the Board. The context is that Supervisor Breese initiated the conversation and said, *well, you're asking for one hundred and twenty-eight (128) units, could you ask for more and could you go to other Boards after the Special Permit was granted and ask for more units?* And Mr. Mastrella advised that, *well, the way to limit it to one hundred and twenty-eight (128) units would be to put a limitation of a hundred and twenty-eight (128) units in the Special Permit itself.* And I indicated that we would stipulate that for purposes of this Application, the 2006 Application, we would not ask for more than one hundred and twenty-eight (128) units. The other thing that was in play at the time is that I was specifically asked about the Chu property in 2006 and was asked whether there were going to be further plans to develop that. Councilwoman McCabe says, *I notice on the map that there's a possible future connection that goes to Mrs. Chu's property. Has there been any discussion with Mrs. Chu about developing her property along the same lines?* And I said, *The answer to your question is yes, there are discussions that are under way. We're not in a position to make any representation to the Board as to where we are with that. If it happens, we'll be back and we'll talk about it further. But beyond, at this point, beyond saying that those discussions have been initiated, there's nothing further to report on that.* And Councilwoman McCabe reiterated that and said, *The question was, I asked there's on the map a dotted line that says "a possible future connection to Mrs. Chu's property," which is right next door.* And the answer was, "There's discussion, but nothing they can tell us at this time." In 2006, we had no arrangement, understanding, much less contract with the owners of the Chu property and the 2006 Application was limited to what we're now referring to as Phase One (1). We were asked whether Phase One (1) could include more than one hundred and twenty-eight (128) units and I stipulated that it would not and based on the Town Attorney's recommendation, the Special Permit for Phase One (1) was specifically limited to one hundred and twenty-eight (128) units. We never said we're never going to come back for any more, anywhere else other than Phase One (1), so I hope that clarifies that situation. The second area I'd like to address, and actually to have Mr. Dolan from Bergmann Associates address is the traffic issue. We've submitted a traffic report to you and I'd like him to just address the highlights of that for a moment, because it's our understanding that there's a lot of sentiment in the area that this, that the approval of Phase Two (2), as was said with the approval of Phase One (1), would cause traffic problems and we want to address that forthrightly.

FRANK DOLAN, BERGMANN ASSOCIATES

Good evening, my name is Frank Dolan. I'm a resident of Monroe County, here employed by Bergmann Associates, located in downtown Rochester. I'm a Professional Engineer, licensed in the State of New York. And also, I'm a Certified National Professional Traffic Operations Engineer. I've been in this business for more than the other Frank, but I've been in the business for about forty-five (45) years, practicing throughout New York State and in other states now that I've been with Bergmann Associates. I've worked not only on the private side, but my former career was, started with New York State Department of Transportation, then progressed to Monroe County,

where I was County Traffic Engineer, and then Director of Transportation for twenty-two (22) years before I retired back in the year 2000. Since retirement, I found that I really still love the business, I still wanted to be involved in the business, so I have continued progressing my career with Bergmann Associates, involved with many projects, particularly involving traffic flow and traffic studies. Our work at Bergmann is not strictly on the private side. We are retained to work for governmental agencies, both cities, counties, state. Most recently I was retained by the Town of Irondequoit to review some traffic study work for them and offer my professional opinion to them on the nature of that study. More importantly for this study that's before you tonight, this new community, the Phase Two (2), the sixty-four (64) new units, how do we go about measuring what this traffic is going to be on these units? Well we start with the basic foundation. What's going on on the street out there today? We actually had folks out there measuring traffic, counting traffic on various hours throughout the day. We were there on June 6<sup>th</sup>. We wanted to make sure school was in session while we did our traffic study. Not only were we just counting traffic, but we were also looking at the traffic flow. What was going on? Could people enter and exit the development? Could they make left turns in? Could they make left turns out? Where was the traffic going to and from? What we found, and I don't think that's any surprise to any of you, is that in the morning the majority of traffic is headed on Lehigh Station Road towards I-390 and Middle Road. In the evening, we have the reverse pattern where the predominant traffic pattern flow is coming from the expressway heading east. What we did find is that the existing community, that there's very little problem getting in and out of that development. On the average, the average person was waiting perhaps ten (10) to eleven (11) seconds at most with the predominant flow in the morning, seventy percent (70%) or better going towards I-390. In the afternoon, because the opposing flow is lighter, the people attempting to make a left turn into the development were able to do that without delay. So we found that to be operating at a very, very good, what we would call level of service. It goes from "A" to "F." This one would be right up there at level service "A" because it was operating flow, good flow, little delay for vehicles using these streets. We then said, "Well, let's see what the new sixty-four (64) units would do. How much more traffic would that generate?" And we used an industry standard published by the Institute of Transportation Engineers called the trip generation manual. This is a compilation internationally of various types of developments and it's a very, very excellent reference source to look at to say, "What would an apartment complex generate? What would perhaps a new store generate? What would a new pharmacy with drive-in generate?" And it's the accepted standard throughout the industry. So we use that to go through and calculate sixty-four (64) units, what are they going to generate? And what we found is that that will generate about thirty (30) to thirty-five (35) vehicles during the morning peak hour exiting the site. Again, the predominant flow for that would be they would be turning right to head to I-390. So you look at that and you say, "Well, what does that represent?" It really represents, if you were to look at it, maybe one (1) vehicle every two (2) minutes. So if I were to stand here for two (2) minutes, you'd wait and then maybe a vehicle would come up. And then another two (2) minutes, a vehicle would come up.

Along with that, we found that there was gaps in the traffic on Lehigh Station Road that would allow those vehicles to be able to complete their maneuver and head to I-390 or turn left and head east on Lehigh Station Road. In the afternoon we actually generated what would be coming back and coming in the afternoon we have a few more trips, maybe about fifty-three (53), fifty-four (54) trips in the afternoon, but a majority of those are entering the site. They're coming back, perhaps from work or wherever they've been throughout the day and they're making a left turn or a right turn into the site. And again, we found that there were adequate gaps in the Lehigh Station Road traffic to allow that to happen. So our summary of all of this data is that this particular new community development will not have impact on traffic on Lehigh Station Road. It will continue to operate at a very, very good level of service. I wish all of the developments I worked on operated as good as this. And that it will have very minimal impact, if none at all, on that. Traffic will flow, continue to flow on Lehigh Station Road. The traffic generated internally by this development will be able to enter and exit without delay. Thank you.

FRANK HAGELBERG, LEGAL COUNSEL TO LEHIGH PARK ASSOCIATES, LLC

Thank you, Frank. And you have the traffic report as part of the materials that were submitted. The last element I'd like to address is that, again, it's our understanding that there has been some concern by at least one (1) of the neighbors regarding drainage. And we've seen a letter that's available on the Internet, written by, our understanding is written by the owner of this property here that's shown in white, that says that the drainage problems that she's experiencing got, I'm sorry...

COUNCILMAN PAGE

*(Inaudible, away from microphone)*

SUPERVISOR YUDELSON

You could, if you want to turn that easel towards the audience, we'd be fine with that.

FRANK HAGELBERG, LEGAL COUNSEL TO LEHIGH PARK ASSOCIATES, LLC

Okay. So the property is question that has been the subject of complaints by the owner regarding drainage is located right here, it's this white piece of, shown white on the drawing. And what I'd like to do is ask our Project Engineer, Bryan Powers, to come up because he knows about such things and I don't. So I'll ask him to make the explanation.

BRYAN POWERS, MARK IV ENTERPRISES

Good evening, Bryan Powers, I'm also a licensed engineer with New York State and with Mark IV Enterprises. Basically, the property that we're considering developing for our Phase Two (2) community, along the Lehigh Station frontage is a significant focal point for local drainage. There's a lot of area to the south of Lehigh Station that drains through a culvert pipe there. There's actually a good portion of Lehigh Station Road that flows to that same culvert pipe. And there's a portion of Florendin Drive that also drains to that

same culvert pipe. Unfortunately, after water exits the culvert pipe, it does not have a clear or clean channel to drain through. It's very clogged with vegetation and unmaintained. I think there's been conversations with the State, New York State Department of Transportation owns, or maintains, Lehigh Station. The State can only maintain what's in their right of way. They can't maintain what's beyond their right of way. We've heard issues about our first phase of the project increasing drainage into this area. That is not true. I had to demonstrate to your Engineering Department, both at the design phase and the construction phase of that project that we would not increase drainage off our property and we have storm water facilities within that property to maintain that. I will also say that with the development of Phase Two (2), that will be the solution to this drainage problem, because now we will inherit that drainage swale and have to incorporate that drainage swale into our infrastructure for our community. So we will gladly come in and clean out the swale, possibly pipe a portion of it through our development and into our storm water drainage facility. I've discussed that with your Town Engineer, he seems agreeable to that and he also agrees with the concept that this will enhance, or improve, the situation. Thank you.

FRANK HAGELBERG, LEGAL COUNSEL TO LEHIGH PARK ASSOCIATES, LLC

So if I can take the liberty of summarizing what Mr. Powers said, our Phase One (1) project didn't create the problem. And in fact, the letter that I referred to says that it's been wet for a long time and that the Phase Two (2) will, in fact, be the answer to the problem because it will take the water away from that property. I just want to make one clarification. Mr. Dolan said that there would be thirty-five (35) trips added by Phase Two (2) during the a.m. peak and if you look at the detail of his report, that thirty-five (35) is a component made up of twenty-eight (28) outbound trips, exiting trips, and seven (7) entering trips. So the number of cars leaving, the increased number of cars leaving during the a.m. peak hour, which is approximately 7:30 a.m. – 8:30 a.m., is twenty-eight (28), and he indicated that's about one (1) every two (2) minutes and that, in fact, is the case. So, in summary, again, thank you. We appreciate your attention to this and the twenty-eight (28) exiting and the thirty-five (35) for, let me go back to that for a moment, thirty-five (35) for the a.m. peak hour, we've seen written material from, submitted by some of the neighbors that suggested, and I'm quoting, "We're going to have at least one hundred and twenty (120) more cars coming out of Lehigh Apartments." That might be over a twelve (12) or sixteen (16) hour, or who knows what period, but, again, from a traffic engineering standard, you look at peak hours and the ultimate conclusion that the Bergmann traffic report reaches is that it's at an "A" level of service today. It will remain at an "A" level of service after Phase Two (2). So the hundred and twenty (120), I'm not sure where that number came from. Don spoke about the difference between anecdotal evidence and traffic engineering evidence. That's a very difficult concept for folks who are not involved, as you all are, in this kind of material on a daily basis. And we see it very frequently in all of the projects that we're involved in. People say, "All I can tell you is it's dangerous, there are some other discussions here, near misses, speeding, etc." And I'm not going to suggest for a moment that that anecdotal evidence isn't in fact

there, that people feel that this is a tough place to get in and out or that people go faster than they should go on Lehigh Station. But as you understand, you're required to look at reliable traffic engineering evidence and that's the only thing we can use if you're going to make a rational decision here. Because to have us tell you, "We don't think it's a problem," and have other people say, "We think it is a problem based on our emotions or anecdotal observations," doesn't help the process. So we're really constrained to looking at nationally accepted traffic engineering standards to go out there and click the number of cars, apply it to those standards, and reach a conclusion, which is what we've done. I want to thank the Board again, I will conclude now and unless you have any questions that any of the members of our team can answer, or if you'd like we can listen to the other folks here this evening and then I'd be happy to answer any questions based on that.

SUPERVISOR YUDELSON

I had a follow up question for Mr. Dolan...

FRANK HAGELBERG, LEGAL COUNSEL TO LEHIGH PARK ASSOCIATES, LLC  
Sure.

SUPERVISOR YUDELSON

...if he wouldn't mind, which kind of follows up on the comments that Frank just made and the difference between the data and the anecdotal. I'll say that I am as guilty, as anyone, of sitting at an intersection for thirty (30) seconds and feeling like I've been there five (5) minutes and I can tell you, clairvoyant to know that people are going to get up here and tell us that the traffic is pretty inconvenient. So you mentioned about average wait times and I'm wondering if you have some data you can speak to for the worst periods of time, the worst case scenarios, what the averages are during that, which still might fall within the category of an "A" rating, but that would speak to what is leading people to report that the traffic is heavy.

FRANK DOLAN, BERGMANN ASSOCIATES

If I could, there are two (2) different things we look at it. One is signalized intersections, another is un-signalized intersections, which is the case for this case here, and we rate them from "A," a level "A" to a level "F." A level "F" is significant delay and bear with me one second. A level "F" would be the average person waiting to enter the traffic stream, would be waiting greater than fifty (50) seconds, or a little... that's a level "F," the extreme. A level "A" is equal to around ten (10) seconds of average delay for people waiting to enter the traffic stream. And that's, in fact, what we actually observed out at the existing intersections, was that at maximum, we were there observing, we had two (2) vehicles stacked up waiting to enter Lehigh Station Road. Many times it was only one (1). Many times they pulled right up to the intersection, looked and then were able to go right away, with very little or no delay. That "A" goes from ten (10) all the way up to fifty (50). Now if we were dealing with fifty (50), then we'd be saying, "We've got an

issue here. How do we address this?" But we're not here, we're down to level "A" and that's why I said I wish all of the projects I worked on, that I had level "A" to work with. It's because when you get into the level "F"s that you're really looking for solutions. How can we mitigate this? What can we do?

COUNCILWOMAN ZINCK

Can I ask him a question before he sits down?

FRANK DOLAN, BERGMANN ASSOCIATES

I hope that that addresses...

SUPERVISOR YUDELSON

Yes, go ahead.

COUNCILWOMAN ZINCK

When you're looking at the traffic, my question is I assume all of these are on the entrance and exit from Lehigh Park.

FRANK DOLAN, BERGMANN ASSOCIATES

That's correct, as well as the traffic flow on Lehigh Station Road.

COUNCILWOMAN ZINCK

Okay, I just wonder if you did any kind of study on the streets that come right before it, such as Florendin, Nevins, did you check to see the impact on them?

FRANK DOLAN, BERGMANN ASSOCIATES

In fact, yes, we did. Yes and we did actually look at the queuing on those streets and, again, it's minimal delay. People were able to pull up, they didn't queue. We tested it all, we have a computer program called SimTraffic, so we put all the numbers into that program, just to say, "What does that show us?" And the results are very, very consistent, what we actually observed out there. And we do that frequently, because you want to make sure that what the computer says actually is real to what's going out on the street. And we've done that throughout the areas where we work, just to make sure that we're on solid ground with our numbers.

SUPERVISOR YUDELSON

Any other questions for Mr. Dolan while he's up there? Or any Board Members have questions for Frank or anyone else before we open it up to the public?

COUNCILMAN MULLIGAN

Open to the public.

SUPERVISOR YUDELSON

Thank you, we're going to call for public comment. And as I said, if you can, give your name and address and try and keep your comments brief and to the point so everybody can get a turn. Quickly, the one thing I meant to mention right at the beginning is that the Board will not be voting on this tonight. We certainly are going to hear a lot of information and we'll be considering that all and that is our normal course of action after a Public Hearing. The other thing I wanted to mention, if you have, as I expect, some questions for the Applicant, please direct your questions to us, just let us know, we're going to ask them to make note of them and then at the end of the speaker, maybe after a couple speakers, we'll ask them to come up and respond so they can maybe group some of the questions together in a way that makes sense and move things along. So I'm just going to start at this side of the room and if you're interested in speaking, please raise your hand. Sir?

CARL PALMER, 37 FLORENDIN DRIVE

Thank you for the opportunity to voice my opinion. My name is Carl Palmer and I live at 37 Florendin Drive. And I've been concerned about this for many reasons. When I purchased my house, I purchased it because there was a field behind the house, where my kids could go out and explore. Where I knew that I wasn't going to look at other houses and I was going to have the serenity of a nice neighborhood. I don't have a traffic study to show you. I'm not a traffic engineer. All I can give you is anecdotal information. But I can say having sat at that intersection of Lehigh Station and Florendin for minutes, not seconds, minutes, there was an accident there with a school bus just within the last year. Noise. I'm retired; this is supposed to be my golden years. I want to tell you what I heard the last time they built apartments there: "Beep beep beep beep beep BOOM!" What was that? That was the tailgate to the dump trucks as they emptied them. I don't want to listen to this. As I said, this is my retirement years. I purchased my house because I wanted serenity. That's what I had until the apartments came. Dust and dirt. Prevailing winds are from the west. My house is east from this development, the apartments. I had to wash my car on an almost daily basis from the dust. I had to power wash my house because of the dust. I had to clean inside the house because I'd leave my windows open, I don't have air conditioning. Then they put trucks in there to put water down to keep the dust down. That created mud out on Lehigh Station Road, making it dangerous, because you don't stop on mud as quickly as you stop on wet pavement. The property we're talking about in here is woods. Young woods made up of ash trees. Within the next five (5) years, not one of those trees will be there. Why? The emerald ash borer. It's in Scottsville, it's coming our way. And when it comes, all those trees will be gone. So what is now a visual fence won't be there. The folks from Lehigh said that they'd plant trees. Well I saw the trees that they planted. They're pine trees this high. It's going to take twenty-five (25) years for those, maybe thirty (30) years for those trees to get tall enough to be a screen. I planted the tree from when my kids, when we got a live tree when my kids were probably about age six (6). Like I said, I've been there thirty-nine (39) years. That tree is now about twenty-five feet

(25') to thirty feet (30') tall. That's how long it's going to take for those trees to grow tall enough to be a block. And I'm concerned about the deer population in Henrietta, especially north of the Thruway. I've seen deer killed on the roads. I've seen deer in my yard. Up until those apartments were built, I never saw any sight of a deer. Not a track, not a deer, never. Since they've been built, my garden has been eaten, my shrubs have been eaten, and I had five (5) deer two (2) years ago bedded down in my backyard at night. So I'm concerned about what's happening there. I'm also concerned about some of the kids. Last summer, there's a big old willow tree as you walk down the trail there. Kids had forts in there for years. I had a few posts from my garden missing because they're building forts. Great! I'm all for it. That's what kids need to do. This summer, kids made campfires back there. I saw them dragging their lawn chairs and their coolers and stuff, so I kind of kept an eye, is there drugs going on there? No. They were just having a campfire, having some fun. We don't have a place, where can kids do that in Henrietta? This is something important. They don't have their nose stuck into a computer, they're not texting someone, they were out in the fresh air enjoying each other's company, learning how to communicate. This is what I want to see from my Henrietta. In 2006, we attended a meeting, my neighbors and I, and we were told that that was it. They were done building. Now I don't know about what you're talking here, this gentleman who looked kind of like Paul Simon, I'm sorry, Frank, what's your last name? (*Laughter*) ...about this December meeting.

SUPERVISOR YUDELSON

That was good, I'm glad we waited for that, if you can wrap up so we can get to another speaker.

CARL PALMER, 37 FLORENDIN DRIVE

I distinctly remember, and some of my neighbors brought this up with a meeting with the Mark IV folks that that was it. We were told that was it. No more apartments. Now I don't know what happened or transpired in between there, but that's not what I recall, so put me down as vehemently opposed to the apartment building. Put me down for having a place where kids can do and socialize, not with parents hanging over them, they can't do that in the Town Park, they can't build fires there. But I think it's a critical thing that kids need to do to get out and learn how to converse, have a good time, and not hurt anything, and they didn't.

SUPERVISOR YUDELSON

You do realize though that that's somebody else's property.

CARL PALMER, 37 FLORENDIN DRIVE

I understand that.

SUPERVISOR YUDELSON

Okay.

CARL PALMER, 37 FLORENDIN DRIVE

I understand that.

SUPERVISOR YUDELSON

Alright, thank you, Mr. Palmer.

CARL PALMER, 37 FLORENDIN DRIVE

Well I'd just like to, in closing, thank you for your service, Town Board Members and thank you for allowing me to talk.

SUPERVISOR YUDELSON

Thank you very much. Somebody else on this side? Sir? Mrs. Couch, I know you're very anxious, but we'll let you, come on up Mrs. Couch and then we'll go to the back there.

STELLA COUCH, 38 GREEN ACORN LANE

Okay, my name is Stella Couch, and I live on Green Acorn Lane. I'm just going to say one (1) thing: we don't need any more apartments. We cannot get out of Florendin Drive. You can't take a left; I don't care what these gentlemen say. Getting out, certain hours, is a no-no, okay? And then if you take a right, there's a dip in the road where they are. About a year and a half ago, I believe the County was putting in drain pipes on the other side. If we didn't stop and tell the gentlemen to get out of the road, somebody would've killed them. We have all that traffic, we have UPS, we have the school buses, which Erie Station didn't want and they laugh about it because they said, "Know what? The Town Board shoved them on Lehigh Station Road for you guys." We have High Point Mills. We have the lumber yard. We have a gas station. How many motels? We have Patrick over there. I don't care what these gentlemen say. They're getting paid for saying what they're saying. We cannot get out of Florendin Drive. No matter what time it is. I believe yesterday was a bad accident. Three (3) people have gotten killed on Lehigh. What else are we going to do? You can't take a left hand turn off of Florendin Drive onto Lehigh, you're going to take a right, go on Middle Road, take a right there and then go up Calkins Road to East Henrietta Road. Believe me, the way I look at it, if those apartments go through, there's five (5) people from Monday through Friday, I believe, each one should take a day and direct traffic. Either that or come on Florendin Drive and buy a house and look at someone else's bathroom out your bathroom window. Thank you.

SUPERVISOR YUDELSON

Thank you.

*(Applause)*

SUPERVISOR YUDELSON

Who'd like to go next? I think Mr. Seidel, you had your hand up before.

DON SEIDEL, 140 FLORENDIN DRIVE

I wanted to go first. *(Laughter)* My name is Don Seidel, I live at 140 Florendin, I've been there forty-seven (47) years. I would like this gentleman to answer Mr. Yudelso's question more definitively. He asked for some specifics. I wasn't going to address that, I want to talk about density and what have you, but I would like you to address the times from 7:00 a.m. to 8:30 a.m. in the morning and from 4:00 p.m. to 6:15 p.m. in the afternoon. That is when it's really critical. Sir, five (5) minutes I sat there trying to make a left hand turn last night. I finally turned right. And when I want to go to Wegmans, most of the time if I'm trying to traverse the roads at those hours, I almost always, as Stella said, have to make a right turn. There are times when the traffic is low, but there's a couple other variables Stella brought out: the topography. If you're sitting at the bottom of the hill trying to turn left on Lehigh Station Road or a right, you got cars whizzing over that hill, you may only have two (2) or three (3), but you still have to wait. They go by and you look, here comes another one. So that's another issue you didn't address: the topography affects our ability to turn left and right. Now the other thing, so what I'd like you to do first is address specifically, because I think you said 3:00 p.m. or 4:00 p.m., some afternoon, I'd like to know how many times you folks were there during those peak hours I just addressed. The other issue I have is mainly density and the infrastructure in general. Jack, you and I have talked about, it's an issue on Lehigh Station Road anyways, to be honest, even before you guys came, it's brutal. But we also have another thing. Rick's an ex-coach, he knows how active the Sperry afternoon programs are, you should get there after a game or a 4:00 p.m. game when the buses come whizzing down and the kids and the visitors come whizzing down toward the expressway entrance. So arbitrarily picking a time based on some statistical data may work out, but again, you need to take in the topographical situations and where the traffic's coming from. And I really challenge that issue where they're all coming one way in the morning and going the other way at night. I haven't found that in all the years I've attempted to get out of there. So, again, thank you very much gentlemen, and lady, for being good listeners and allowing us to speak to this, but again, I also want to hit the density, the population density, because we've got that high density apartment at the top of the hill, the fortified stone/brick area you referred to, highly densely populated. We have the green belt theory for our neighborhoods, consequently the houses are quite close together, we do have nice backyards, what's this going to do to the density. As you're walking around at Lehigh Trail, how much of a big berm are you going to be talking about? And about the, once again, I'm winding up, about the trees. When I was on the Planning Board, Rick, we did lots of studies and the kinds of trees that ought to be positioned for berms and Colorado blues are not indigenous to this area. They don't last that long. You need to get something in there anyway, where the existing berm is. To really address this issue of a legitimate berm, Planning Board has been great about insisting upon these kinds of things all throughout its years in Henrietta. But again, I

agree with the issue you brought up, that's not the kind of tree to plant in there, Colorado blues, so thank you very much. Again, I want to hear about those times.

*(Applause)*

SUPERVISOR YUDELSON

Thank you. Who'd like to go next? Sir in the back?

ERIC SHEALY, 141 FLORENDIN DRIVE

Hi, my name is Eric Shealy and I live at 141 Florendin. My wife and I actually just got married this summer and we bought a house at the same time. We both work in Henrietta and we were really pleased by the opportunity to buy a great home in this community and be able to join in and eventually raise a family. When we looked at that house, there was a small apartment complex and I actually went over there one day, made some calls, did some research online and found that your statistics about, or your, not really statistics, because you don't seem to have any data on, how well people like your place is kind of terrible online. Out of five (5) stars, most of your residents give you about a two (2) and that's pretty sad. The other item though that really concerns me if we were going to expand this is, like Don mentioned, population density is a huge issue within that space. A hundred feet (100'), when you're considering the fact that most people's backyards is about thirty feet (30'), forty feet (40'), and within that walkway it basically puts that apartment on top of everyone. One of the things that I do do on the side on top of my job is to do a little consulting and I bill in my time. But I'm not going to bill my client an extra three (3) to five (5) minutes because I do wait, on average, around two (2) minutes now to make a left especially, or a right out of Florendin. But I'll be happy to send you guys a bill for that for putting in those extra apartments, so thank you for that trouble. My bigger issue though is around the fact that your statistics, based on your study, might be valid, you may have had a collector out there. But I would like you to go in more detail about that, because I don't think you're analysis or your data collection algorithm is probably very ethical nor very scientific. I think the standards may be okay, but certainly not very scientific all around. I guess, in closing, my point is really this: my wife and I bought a house that we'd love to stay in Henrietta. Councilmembers, I thank you so much for the opportunity to come up here and talk to you, because I feel as though there's a lot of representatives who've been in this room who've been in this community for a long time and have been a part of it, just like you have, to make it great. But a part of that is also bringing in great people for the next generation. One of the things that you mentioned I believe, sir, is that in Henrietta the goal is, part of this is to make it the best for the entire community. I don't think putting another group of apartments in a small space is the best, especially since we have a large thriving community, we should put it in another location that could better serve another segment of our community, instead of encouraging people like my wife and I to think, "We don't really want to stay here ten (10), fifteen (15) years, we're probably going to stay five (5) and get the heck out," because it's too dense, there's a lot of crap and trouble with my

traffic and on top of that, why would I encourage my friends and people of my generation to come into a space that's kind of stepped on. So thank you again, Eric Shealy from 141 Florendin.

SUPERVISOR YUDELSON

Thank you, sir.

*(Applause)*

SUPERVISOR YUDELSON

Sir, did you want to come up?

BOB PERCY, 16 FLORENDIN DRIVE

I'm Bob Percy, I live at 16 Florendin Drive, you all know me. I've lived there almost fifty (50) years and when I moved in, it was a nice rural community, and right now it's starting to choke us. I mean, my kids are all gone, I'm retired, I've got nothing to lose. This thing with the traffic, this seconds, I don't know where they're getting this number. I've waited up to eight (8), nine (9) minutes some mornings to get out, and I'm retired. I can go whenever I want. Eight (8), nine (9) minutes to get out of there, because traffic's coming both ways, not just one way, they go both ways. They go out and they will go in, and the same thing in the afternoon. And you add another, they say thirty (30) cars, I don't know, they're going to bus a lot of people in there or how they're going to get out, but you're not going to do it with thirty (30) cars. And when they first went with those apartments back there, they were going to be for elderly. They were going to be a retirement community. That's when the first builders took it over and they didn't do a good job and they went bankrupt and that sat there for a couple years and transients were living in the buildings and it was a mess. They took it over and put some apartments in. We were skeptical at the time when they put the apartments in because of the people that live on the east side of Florendin Drive. It backs right up to the houses and they said they were going to leave those trees in for a buffer. It wouldn't bother that at all. Now they're talking about taking the trees out and putting buildings right up next to the trail. These poor people, we got young families that bought houses there, put a lot of money and siding and windows and they get up in the morning, look out their bedroom window, they see someone in a two (2) story building looking back at them. That's not right. The property values are going to drop. You put apartments on top of houses, your house property's going to drop. The value's just not going to be there anymore. Who's going to want to move in next to an apartment? Drainage, that's another thing. Drainage is terrible. We've got cattails where we didn't have cattails before. Cattails mean standing water. That means they're not taking care of the water coming off their property. They put more property in, it's going to flood the people on Florendin Drive, their basements, their family rooms, that water's got to go someplace. Where's it going to go? Really, it's just not a good idea. Not a good idea at all. And, like I say, I'm three thousand percent (3,000%) against it.

SUPERVISOR YUDELSON

Thank you.

BOB PERCY, 16 FLORENDIN DRIVE

Okay. That's about all I got to say.

SUPERVISOR YUDELSON

Thank you, Bob.

BOB PERCY, 16 FLORENDIN DRIVE

Thank you.

*(Applause)*

SUPERVISOR YUDELSON

Ma'am?

KATHLEEN CALI, 18 BEMIS WAY

Okay, I'm Kathleen Cali. I do not live on Florendin Drive. I live on 18 Bemis Way, which is across the way off of Nevins, so I do have to make that left and right hand turn, but I'm not really concerned. This isn't really going to directly affect my house, but I am concerned as a tax payer, because I'm concerned what the effect this will have on, as far as costs will go, that the Town will have to pick up from consequences of building these extra apartments. I know you had brought up the idea of anecdotal traffic evidence, so I want to give you one thing, that if you don't live in the neighborhood, you don't know that Lehigh Station Road, right by where those apartments are going, is actually also a turtle crossing. I don't know if you've ever had to stop for turtles there. They have to cross, they're crossing from the wetlands over by Hosmer and they are crossing over to the wetlands that are over across the street in this area right here. And if you know anything about a wetland, the water is going to the lowest area down into a depression. So these apartments are going to be built in a depression and in an area that collects the extra water runoff from that whole area. So you had talked about the other apartments you had built and they weren't really a problem. But they're not going to be built at the lowest part there. So, again, somebody just said that water has to go someplace. Right now, the water is from the first set of apartments, is going into the house on the corner. But what's going to happen to the rest of the water? Where's it going to go? It can go to the backyards of the people on Florendin Drive. If you ever use the soccer fields, because my kids play soccer there all the time, when it's rainy, they also go underwater and they get very wet down there. So are we going to have to deal with those soccer fields being underwater? Are we, as tax payers, going to have to build drainage? Is it going to be flooding the street, the road there? Because that's the lowest area, where's that water going to go? And am I going to have to pay for that as a taxpayer? So I want to consider, there are plenty of places in Henrietta where apartments could go, does it

really make sense to build it in the lowest spot there? Because that water's got to go someplace. Thank you.

SUPERVISOR YUDELSON

Thank you.

*(Applause)*

SUPERVISOR YUDELSON

Sir, did you want to speak?

ALBERT BRADSHAW, 14 FLORENDIN DRIVE

My name's Albert Bradshaw, I live at 14 Florendin Drive. And what they seem to miss here is they keep trying to set us off to worrying about the traffic. What they're not saying is there's sixty-four (64) more families they want to stuff into this small area, as if we've learned nothing of when they tried to stuff so many families into a small area. They've learned nothing of it. I don't have any statistics. I'm not a lawyer that can give you anything. All I know is that they've done it before, it doesn't work. As the young lady just said, there may be some other places they might be able, where there's more room, more area, but I'm not worried about the traffic. The traffic's always going to be there, but it seems like that's what they always dwell on, is the traffic problem. Sixty-four (64) more families into something that has a Phase Two (2) that he tried to come up with and even told you there was no Phase Two (2), just tonight. But looked it up in a different way that the way it was spoken that there could have been a Phase Two (2). But at the time when we did this in 2006, there was no Phase Two (2). They were going to build this, they were going to save this property, because it had died. The people that were there before messed it up or lost money and left the buildings there. They were going to fix it, which they did. They claimed they were going to have trees, I don't see the trees. I don't know about the duck pond they claimed, because I haven't gone over there to see if there was a duck pond, but they were going to do a duck pond. But the whole thing boils down to one (1), sixty-four (64) more families in a confined space. Young, old, retired, it's more people stuffed into a small area, and that's about all I have.

SUPERVISOR YUDELSON

Thank you.

*(Applause)*

SUPERVISOR YUDELSON

Mrs. Junge, is that your hand? It is.

SANDY JUNGE, 40 FLORENDIN DRIVE

Good evening, my name is Sandy Junge. I live at 40 Florendin Drive. I am facing, the

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front of my house faces the apartment units. When we all met together at the clubhouse, it was mentioned that you were going to do a visibility study as such. My house is on a rise. I look over Mr. Palmer's house from my bedroom windows. There are no trees. I can see right into those apartments, I have no blockage whatsoever. In the winter time, I see them all, I see all their lights. I get up in the middle of the night and instead of seeing a beautiful blue Christmas tree all lit up next door, I see apartment lights. That's not fun. My other question, not even a question per se, the traffic from the apartments is not causing the issues. We are surrounded, as Stella Couch said. If you look up and down, we've got apartments, we've got churches, we've got schools, we've got a bus garage, I won't reiterate, that is the problem. We don't need more problem. And I hope you all hear us loud and clear. Thank you.

*(Applause)*

SUPERVISOR YUDELSON

Would somebody else like to speak? Wendy?

WENDY STRASSNER, 27 FLORENDIN DRIVE

Hi, I'm Wendy Strassner. I'm at 27 Florendin Drive. And all summer long, as you know, we had a very dry summer. And I would run down to Lehigh Valley Trail every day and the drainage along there was always flooded and wet, many mosquitoes, many bugs. So if it's not a wet summer, where's all that water coming from? It's got to be pushed towards us. And I agree with Mrs. Junge, my house is right there on the trail. If I have my windows open for a nice breeze, all I see is lights. Right now, all I see is buildings, windows, and lights. So that's it, thank you.

*(Applause)*

SUPERVISOR YUDELSON

Who'd like to go next?

BONNIE KASE, 1294 LEHIGH STATION ROAD

Hi, my name is Bonnie Kase, and I live at 1294 Lehigh Station Road. The house is getting flooded. And yes, you're right, I'm the one that wrote the blog, but you mentioned that my land was wet, but you failed to mention that since the complex moved next-door, my windows are breaking, my walls are cracking, my tiles... no, no, you're the one that said it.

SUPERVISOR YUDELSON

Ms. Kase...

BONNIE KASE, 1294 LEHIGH STATION ROAD

You're the one that said it.

SUPERVISOR YUDELSON

If you can face, direct the comments to us, it also helps so we can hear on the microphone.

BONNIE KASE, 1294 LEHIGH STATION ROAD

Okay. I also noticed, as Don Riley mentioned, well I did some research and I saw that he mentioned that professionals that live there. Well, there's a girl by name of Vanessa something, she got caught with drugs. And so there was crime over at the complex. Not only that, but I've notice since 2009, there's been four (4) people killed on Lehigh Station Road within a fourth of a mile from my home, since 2009. I don't know what it was before, but it's this complex and well then they're talking about building woods. Building woods so this way my neighbors can't see the apartments. Well, my grandson can sit on the toilet at 2:00 in the morning and we can see somebody's face and that's how many feet apart. And then they speak about the perception, well maybe our perception is incorrect, maybe it's only one (1) minute or maybe it's ten (10) seconds. Well I leave my house every day, five (5) days a week, about twenty-five (25) after 5:00 p.m. to pick up my grandson from Sperry from track. I don't get there until twenty (20) to 6:00 p.m. So if that's a perception, then why am I always late? I cannot get out of my driveway whatsoever and my house is falling apart. Now, the one thing, because Virginia Bartos over, she's with the National Directory of the Historic Landmark. My home is now an historic landmark. It was built prior to 1827. That means whatever work is done around my home it needs a Special Permit from the Federal Government. And if that means my house... yes, you can check into that. And if that means that my house is going to be more destroyed because my house was originally owned by the Feasels back in 1800-something, which has some connection to Sperry. So I believe that Sperry High School was named with one of the Feasel's relatives. That's what Florendin Feasel, he was one of the original owners of my home. My home is post-and-beam. I have the trees in the basement. I now have broken windows. I now have a crack going across my ceiling. I have porcelain tiles on my floor that are now cracked. My dogs go in the backyard and they come in smelling filthy. Even if it is a hot day, I am always giving the dogs a bath. I am getting so tired of them smelling constantly. We can't even extend the rest of the fence. It's like a swimming pool in the backyard. It's cattails in the backyard. Now, since Mark IV moved next door, from what I understand from Chris Martin is that they used their own environmental study. So no drainage pipes were put all alongside their apartment complex. So where's this water coming? It's all coming over to me. Everything is coming over to me. It is swamping Richard Chu's land, swamping it. Now if you stand in front of Richard Chu's property, where the culvert is, the water's going uphill. Water doesn't go uphill. It's going uphill because my land cannot take any more water. It can't. My house is sinking. This historic home, now everyone always talks about that Henrietta has this farmland history. Well, Mark IV is destroying it. They are destroying the woods. Why can't the woods, now grant you, I know that it's owned. Richard Chu and I did speak and he said he tried to sell it to the Town of Henrietta, but it was too wet. So now you have Tinker's Park all the way down Lehigh Station Road so

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that is an historic home with Tinker Park. My house is an historic home, why can't the Town buy it, buy the land and make this another Tinker's Park for this part of our community? My neighbors cannot risk going through the same thing that I'm going through.

SUPERVISOR YUDELSON

We have a large park, obviously right to the north, Veterans Memorial Park and the Town Board was just not interested in acquiring that property. You've mentioned it's wet back there. A good part of the Chu property is wetlands and it was long before this project. The only point of clarification I'm trying to make as far as the Town's role, everything the Town said would be required to do when the project was built as far as drainage was done.

BONNIE KASE, 1294 LEHIGH STATION ROAD

No, I have to disagree, because if it was...

SUPERVISOR YUDELSON

Well, you can disagree, but...

BONNIE KASE, 1294 LEHIGH STATION ROAD

No, no, my house has been standing for almost two hundred (200) years. Now, since 2009, my windows are breaking, my house is sinking.

SUPERVISOR YUDELSON

I understand.

BONNIE KASE, 1294 LEHIGH STATION ROAD

Now I would like to know who's going to fix my house.

SUPERVISOR YUDELSON

Okay, so in a minute I'm going to ask you to get back to speaking about the Application and everything, but I did tell you...

BONNIE KASE, 1294 LEHIGH STATION ROAD

Yes.

SUPERVISOR YUDELSON

...as far as that, that you have a remedy available to you. We even gave you the forms. You need to file a claim. We can't do anything unless you file a claim against the Town. We can't do anything unless you file a claim. So, now, but that's not what this Hearing is on, so I would really ask you...

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BONNIE KASE, 1294 LEHIGH STATION ROAD  
What the basic...

SUPERVISOR YUDELSON  
...if you could speak about the Application itself.

BONNIE KASE, 1294 LEHIGH STATION ROAD  
Yes, I agree with you. Well, what I'm afraid of is that if Mark IV completes this and they build high up on the berms, then all of my neighbors on Florendin, they are going to encounter the exact same problems. You're saying...

SUPERVISOR YUDELSON  
I'll tell you they won't, because every project that goes on in Town goes through the Planning Board, goes through our Engineering Department and then the Planning Board where the drainage requirements are addressed. And they submit drainage plans and they have to be approved by the Town, so the drainage improvements that the Town requires, they don't make it worse. I know you feel that this project is responsible for making your property worse.

BONNIE KASE, 1294 LEHIGH STATION ROAD  
I'm not feeling, you want to come take a look at my house? You can see it.

SUPERVISOR YUDELSON  
I know the Town Engineer has been out several times. I know that. There are lots of factors. I can't debate that with you tonight, because we're not going to be able to resolve it tonight. You just have a different opinion.

BONNIE KASE, 1294 LEHIGH STATION ROAD  
No, no, all I'm saying...

SUPERVISOR YUDELSON  
But I'm just saying as far as any concern that this project is going to then have a negative impact on the drainage for your neighbors...

BONNIE KASE, 1294 LEHIGH STATION ROAD  
Yes.

SUPERVISOR YUDELSON  
I don't think that's really correct, is all I'm telling you.

BONNIE KASE, 1294 LEHIGH STATION ROAD  
Well, I have to disagree with you, because I believe it will.

SUPERVISOR YUDELSON

That's fine.

BONNIE KASE, 1294 LEHIGH STATION ROAD

Okay?

SUPERVISOR YUDELSON

Alright, thank you very much.

BONNIE KASE, 1294 LEHIGH STATION ROAD

Thank you.

*(Applause)*

SUPERVISOR YUDELSON

Is there somebody else who would like to speak? Sir?

BENJAMIN MONNA, 100 FLORENDIN DRIVE

How are you doing tonight? My name's Benjamin Monna, and I was sitting here for the past twenty (20) minutes and came up with about ten (10) things in my head that I didn't really think of before I walked in here. Where you guys are currently putting these apartments, and it's very obvious that Henrietta's turning into Greece. You turn Jefferson Road into Ridge Road and are throwing all these buildings up, which is great, because it keeps our taxes low, but I think you should focus all your attention on that area in Henrietta. Because in Henrietta you have these little patches of woods left. You've got a patch behind the old Patrick Pontiac. You've got a patch behind R.I.T. You got a patch right here and all these animals and wildlife that like to migrate throughout these patches of woods and if you continue building in these patches, these animals won't be able to migrate throughout these woods. And I was sitting here looking and I was thinking that if you put these apartments up, you'll be able to see them from here, and then I go to myself, "Oh, you left a little patch of woods for you guys not to be able to see," which is great for you guys, but for us, living on Florendin, we're going to be staring right at these apartments, which sucks. Also, you guys focus all your attention on putting up this Lehigh Valley Trail, which is great, because it gives us all an opportunity to jog and walk and look at this beautiful wildlife to our left as we're walking north, and you put down this gravel road, which is great, you guys spent all this money, but what's the point on walking this gravel road when you got apartments and all this crap to your left, it really doesn't serve a purpose. So you might as well just plant grass and make it just a grassy knoll like it used to be. And it's just a waste of time, a waste of money, and a waste of effort to throw more people there when you got all these people that have lived in this neighborhood their whole life just not happy. It's just not a good situation. I think you should think it over. Thank you.

SUPERVISOR YUDELSON

Thank you.

*(Applause)*

SUPERVISOR YUDELSON

I just want to clarify, I appreciate you coming and giving input, but I don't think you meant for the Town's putting in the project. This Hearing is because the Applicant is applying to the Town to put it in. We have not endorsed or taken any position on it, that's what the Public Hearing's for. I think you know that, but I'm just making sure that we're on the same page there. Who else? I thought I saw a hand towards the back. Is there somebody? Sir, there you are. Yeah, there's someone walking up and then I'll have you come next, if that's okay.

ADAM SCHELL, 117 WRIGHT ROAD

My name's Adam Schell and I live on 117 Wright Road. This project, personally, to me, means nothing. I don't live on Florendin. I don't live on Nevins. Tell you what; I do drive down Lehigh four (4) to five (5) times a day. Anecdotal or not, I live in Henrietta, do you?

*(From audience, "I do not.")*

ADAM SCHELL, 117 WRIGHT ROAD

Do you?

*(From audience, "No.")*

SUPERVISOR YUDELSON

If you could...

ADAM SCHELL, 117 WRIGHT ROAD

We all live right there. We see the traffic. We're not traffic majors. We don't have degrees in traffic. We see the traffic every day. You live in Henrietta, do you not? Do most of you drive down Lehigh? We see the traffic. We've all noted we have a school. We have a bus garage. We already have apartments. We're letting you put sixty-four (64) families, give them a great home, places that look great, but you got to understand the point, too, that you're doing this for politics. You're putting more families in Henrietta. You're paying people more money. You're bringing more business. Realistically, like my friend stated, we have more business. We have Jefferson Road. We have more apartments going up every day. What we have is less and less woods. We have an un-abandoned golf course over there that we've all agreed to or not. What's going on with that? Nothing. It's sitting there dead. I don't disagree that you guys will build these buildings and they might not, or they might look great. But what you seem to misunderstand or not understand is Florendin is a flat road. The streets that go off of it

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go up. You can build a hundred foot (100') wall. We'll still all be able to see your apartments and that's not fair to them. And I'm sorry, but it's not. Thank you.

SUPERVISOR YUDELSON

Thank you.

*(Applause)*

SUPERVISOR YUDELSON

Sir?

RICHARD CHU, 42 BISHOPS COURT / OWNER OF LAND

Honorable Board Members, ladies and gentlemen, I appreciate to have this opportunity, coming to this open Hearing. And in an hour and fifteen (15) minutes, I think I've learned so much about this community. I just want to say, first of all...

SUPERVISOR YUDELSON

Before you start, would you mind giving the Clerk your name and address?

RICHARD CHU, 42 BISHOPS COURT / OWNER OF LAND

That's good. My name is Richard Chu and my wife and myself, plus the other couple, four (4) of us co-owned the Phase Two (2) land, that piece of land. I can see we spend a lot of time on the traffic issue, which I think it's a problem. It is a problem for any modern society. I live on the east side of Calkins Road, further down. But I come to the Senior Center twice a week, Tuesdays and Thursdays. And since I came to teach at R.I.T., several decades ago, and we've owned this piece of land for over twenty (20) years. And it seems our President lives on Lehigh Station Road, further down on the top of the hill, Liberty Hill, since Richard Rose's time. And now I retire four (4) years. Since Richard Rose's time, I came, I went through this street regularly. I find people in this community is very, very fortunate. You are living still like a countryside, but meanwhile, I should say, the traffic issue is, to me, I just have to say that, not a great issue. If you, at the rush hour, whether it's on Calkins, on Jefferson, on Winton Road, on any of these major roads, you have big problems, you have to wait for long time to make a turn. That happens, easily. The only solution that I have is to have a light. Then people are stopped. And I go to a Chinese church in Penfield. That is one of the reasons they put a light on. Otherwise on the Browncroft Road and on this extension, we had difficulty to cross the road, even on Sunday morning. So I'm just saying I can understand people live here have that feeling differently. That's one issue. The second is, I think, Henrietta did provide a lot of things for we senior citizens. I came to the Senior Center every week, twice. You find so many things are free: all the games, all the programs are free. While if you go to other areas, like Pittsford, like everywhere, even if you get a weekly report, you have to pay stamp money. But Henrietta is so generous to the senior citizens. The Senior Center, you probably know, is behind this wall, not very far. And

I've been here, at least I came here four (4) years regularly, I find one thing. That is our big, beautiful parks are not developed too much. Why? Very simple. The local government did not have enough revenue. And one of the reasons that we are able to own this piece of land for so many years, because it's not a burden, the tax money's very little every year, because there's nothing on it, only trees. Now, if it turned into a multiple dwelling area, I think the local government will receive hundreds (100s) for revenues. America's facing one big problem we're all familiar with. It's called fiscal cliff. One is the income for the government. And second is the employment for the people. And we all know the Lehigh Station Associates is one of the major developers in Monroe County. And that two (2) problems can be all resolved by one (1) stone. That is, one is increase the revenue and the second is we have money for school, for park, for the local area, develop the local area. So I think that really, for the public good, in the long run, this changing of the zoning is so much better, because right now it's not, no house can be built. It's zoned as a single family house. You still, if they want to build this, still can build quite a few buildings. Now increase the view and the income for the local government as well as the needs for the people. So maybe traffic is a little heavy, we pay that price, but meanwhile, we'll get a lot of other advantages. Thank you.

SUPERVISOR YUDELSON

Thank you.

*(Applause)*

SUPERVISOR YUDELSON

Is there somebody else who'd like to speak?

BONNIE KASE, 1294 LEHIGH STATION ROAD

*(Away from mic)* Can I say one more thing?

SUPERVISOR YUDELSON

Pardon me?

BONNIE KASE, 1294 LEHIGH STATION ROAD

Can I say one more thing?

SUPERVISOR YUDELSON

Yes, only for a minute though, we were going to try not to have people speak again, because we've been going for quite a while.

BONNIE KASE, 1294 LEHIGH STATION ROAD

Real fast is that, just concerning the traffic area. Back in 2006, there was a false report about the traffic area, because Bill Mulligan tried to get out, he tried to come in and he tried to get out of Florendin, and what he said, he had a hard time. A few weeks ago,

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when we went to the Pittsford Village and they had their meeting, it was noted by the Town Board that Mark IV gave a false traffic report.

SUPERVISOR YUDELSON

Yes, I...

BONNIE KASE, 1294 LEHIGH STATION ROAD

Just wanted to...

SUPERVISOR YUDELSON

I'm going to let them respond to that, because I know nothing of a false report being submitted to the Town Board.

BONNIE KASE, 1294 LEHIGH STATION ROAD

I just want to tell you what I heard over at the meeting.

SUPERVISOR YUDELSON

No, I'm talking about submitted here to the Town Board, even if Bill had trouble turning onto the street.

BONNIE KASE, 1294 LEHIGH STATION ROAD

We're always having trouble getting in and out of the driveway and not only that, but a car just pulled out of their apartment and smashed into a tree the other day. So I just want you to know that, okay?

SUPERVISOR YUDELSON

Okay. I appreciate all the comments, the input, and we've been going for quite a while and I know that the people from Mark IV have been making a lot of notes and I'm going to ask Frank, if you're going to lead on trying to summarize some of these, and answer some of the questions. I do want to say that I appreciate both neighbors and the folks from Mark IV, I know that we have different positions between the two (2) of you, but as we watch this during the past year or so, I think Mark IV has really tried to do what the Town Board asked, as far as reaching out to the neighbors, trying to engage them, and get their opinions. I know Mr. Riley's been up and down the street trying to talk to people. And the neighbors have been good about participating and coming to this meeting and offering their constructive feedback, which I appreciate. So, Frank, if you want to try and sum up and answer some of those questions. And if you could maybe address that last point first, because I think that statement that false reports were given to two (2) Town Boards really needs to be addressed.

FRANK HAGELBERG, LEGAL COUNSEL TO LEHIGH PARK ASSOCIATES, LLC

I can tell you, from long personal experience over the last five (5) years, before the Village of Pittsford Town Board and Planning Board and Architectural Preservation

Review Board, I have never heard a suggestion that a false traffic report was submitted on our behalf. The traffic report that we submitted, traffic reports that we submitted, were dealt with by the Village's own Traffic Engineers and there was no dispute as to the findings of those reports. There was a lot of discussion as to what appropriate mitigation measures might be required for the project, but the suggestion that a false traffic report was submitted is simply false in itself. It just never happened. Let me touch on a couple of things. First of all, Mr. Palmer, you have my thanks for the Paul Simon reference and it's a good thing somebody took the microphone away, because otherwise, who knows. He touched on the question of construction noise and dust and mud and all these things. I guess the only response I can give to that is that one of the great project builders that this State has ever known was Robert Moses, who built a bunch of parkways including Lake Ontario State Parkway, built two (2) World's Fairs in New York. And I remember driving through the World's Fair area while it was under construction, the 1964 World's Fair and Mr. Moses put a wonderful sign up on the Parkway which didn't make me feel any better, but it gave me a little perspective. And he said, "You can't make an omelet without breaking eggs." Will there be a construction phase for the construction of Phase Two (2)? Absolutely. Will there be noise resulting from construction vehicles? Absolutely. Will there be dust, depending upon the conditions? Absolutely. Will the Town require that that dust be sprayed in order to keep the dust down? Absolutely. Is it possible that that may create mud? Absolutely. Is it going to last forever? No. And I think that's the simple answer. Will there be construction noise? No question about it. There were several people, including Mr. Palmer, who talked about the importance of kids being able to use the woods, building forts along the trail, campfires, where can kids do that? Where can they get fresh air? The answer's not necessarily that they can get all those things on other people's private property, and I'll leave it at that, other than to note that that's why municipalities and people who care about living in a community like Henrietta make sure that there's a first class park system. And to the extent that the parks don't permit kids to build fires, so be it. That doesn't mean they ought to be able to do it on somebody else's property. I'm going to ask Mr. Dolan to address Mr. Seidel's comments regarding the 7:30 a.m. to 8:30 a.m. and 4:00 p.m. to 6:15 p.m. and the topography, but let me just touch on one other issue that was mentioned several times and that's density. A number of people said that this is, we're pouring in too many families and my letter talks about the multiple residence ordinance requirements and it indicates that the lot area requirements of this project are more than two and a half (2-1/2) times the required minimum. And the lot coverage requirements say it can't exceed twenty-five percent (25%). This is all of eleven percent (11%). So in terms of what your zoning ordinance calls for and in terms of what your multiple residence ordinance calls for, we are well within those limitations in terms of density. Mr. Shealy said the same thing about density. Mr. Percy said when he moved in here about fifty (50) years ago, it was a nice, rural community. I have no doubt that's the case and indeed, lots of things have changed. Ms. Cali talked about the drainage and are we, as tax payers, going to have to pay for the drainage problems caused by this project? That's the best I can paraphrase what she said. And, I think, Mr. Yudelson, you provided the answer in your

response to somebody else by indicating that the Town, as part of site plan review and as part of the requirements for issuance of a building permit, will require an engineering and drainage review of this project. You noted correctly that everything that had been required in connection with Phase One (1) has been done according to Town requirements and I think the answer is that the same thing will happen with respect to Phase Two (2). Mr. Bradshaw talked about density, we talked about that. Ms. Junge said the traffic from the apartments is not the issue; we've got lots of traffic in the area, good or bad. One of the conclusions that can be safely drawn from Mr. Dolan's report is that whatever the conditions are, and he's calling it an "A" level of service and that's what the standards indicate, we're not degrading the level of service along Lehigh Station and I think that's the important conclusion to be drawn there. In terms of what's going to happen to the wooded areas and what kind of buffer's going to be required, I think we all recognize that that will be addressed as part of site plan review. I think that's the highlights unless you'd like me to address any specific issues, I would ask Mr. Dolan to talk about Mr. Seidel's comments regarding the 7:00 a.m. to 8:30 a.m., 4:00 p.m. to 6:15 p.m., and the impact of topography.

FRANK DOLAN, BERGMANN ASSOCIATES

Thank you, Frank. When we did our study out here when our people actually were out in the field looking and observing traffic, they were there not just during that 7:30 a.m. to 8:30 a.m. period, but in fact, they were there from 7:00 a.m. until a little bit after 9:00 a.m. They typically will show up, if they're starting actually counting and observing at 7:00 a.m., they're there at 6:45 a.m. and they'll continue past 9:00 a.m. So what we identified, that 7:30 a.m. to 8:30 a.m. period, and also the 4:30 p.m. to 5:30 p.m., within that time period that they were actually observing traffic out there, that's the time period that had the heaviest traffic flow on Lehigh Station Road. It was during that particular hour. Typically we call it the peak hour of traffic. There are other time periods, naturally, that have traffic flow, but this one had the heaviest traffic flow, and we used that so that we're looking at those periods with the heaviest traffic flow to look at what the impact is for people entering Lehigh Station Road, exiting Lehigh Station Road onto the various streets. In regard to the topography, yes, this is a rolling, what I would call a rolling topography on Lehigh Station Road in this area. Just to the east of Florendin and Nevins, you have a hill located. But if you travel that road on Lehigh Station, when you reach the top of that peak you can adequately see the intersections. Likewise, the vehicles coming out of Nevins and Florendin can see vehicles approaching. Is it the most ideal condition? No. Is it adequate? Yes. In regard to delays, when I said the delays were a level of service "A" or "B," that's an average delay of all of the vehicles that are approaching during that hour to do that. Could somebody wait a bit longer? Perhaps yes. But it's not the average when you look at all the delays of those vehicles. It's not the average. In fact, our observer who was out there was looking at that and looking at how many cars were stacked up on Florendin, on Nevins, waiting to enter. And they were compared very, very favorably with what our results showed, what our computer model showed, that on average, perhaps the biggest queuing was northbound

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on Nevins making a left turn in the morning to go towards I-390. And that was two (2) to three (3) vehicles. But that was the largest queues that were observed out there. This development is not adding significant impact to Lehigh Station Road to the east, because the predominant traffic flow coming out of this development and new community is to the west to I-390, to and from the west. So that's why I can stand here with confidence and say to you that this particular sixty-four (64) unit complex will not degrade from what it is today, the level of operation on Lehigh Station Road. I hope that it addresses the issue. Thank you.

COUNCILMAN MULLIGAN

What letter grade would you give Nevins, Florendin?

FRANK DOLAN, BERGMANN ASSOCIATES

The left turn on Nevins would be a "B." That was perhaps the worst that we saw.

COUNCILMAN MULLIGAN

Thank you.

FRANK DOLAN, BERGMANN ASSOCIATES

Yes, and I wouldn't dispute that there might be a time when a string of cars come that maybe perhaps it's longer than that. It's all governed by what the traffic signals are doing to the west, because they create the gaps in the flow.

SUPERVISOR YUDELSON

Thank you very much. And while we finish... I'm sorry?

KATHLEEN CALI, 18 BEMIS WAY

Can we respond to a couple things he just said?

SUPERVISOR YUDELSON

Okay, this is going to be our last speaker and then we're going to wrap up for tonight.

KATHLEEN CALI, 18 BEMIS WAY

Well, because I think the point here is Mr. Chu referred to the fact that really traffic on Lehigh wasn't going to be any worse than on Jefferson or some of those other places, but Lehigh Station Road, that is a residential area, it is not Jefferson Road and I hope it never becomes Jefferson Road. And I think we all agree we don't want it to be Jefferson Road because we all know that's a nightmare driving there. We have kids, my kids cross the street to go to the park. We have to decide, and I think you have to decide, what this section of Lehigh is going to become. And if you put those apartments there, yes, we're going to have drainage problems. And I know the traffic, you checked it for 4:30 p.m. to 5:30 p.m. and said that that's probably the most highly traveled time, but I turn out of there, like she said, to go pick up my son at 5:30 p.m. to get to, in a normal trip that takes

five (5) minutes off-peak, will take me twenty (20) minutes between 5:30 p.m. and 6:00 p.m. We are the people, I know you talk about being objective and reliable, but I'm also a research scientist and I know that one thing you always bring in is that any report has a bias and that you are doing it from your point of view, but we are the people that live there. And we do not want to live, like we said, we do not need more traffic, because we already have so much going through there that even a little tiny bit of extra traffic is going to really change the whole character of that neighborhood. So you can say, "Well, one little apartment complex is not going to be a big deal." But it's going to affect the traffic, it's going to affect the drainage, it's going to affect the Lehigh Trail going through there, because that's going to be flooded, because it wasn't flooded as much as it could be because this was a dry summer. It's going to affect the soccer fields. It's going to affect the trees there. It's going to affect the wildlife. This little tiny project of only sixty-four (64) is going to have little ripple effects that are going to change this neighborhood, so you've got to decide if you want to keep this to be a residential neighborhood or if we're going to turn it into something else.

*(Applause)*

SUPERVISOR YUDELSON

Thank you, we appreciate your opinion. Frank, you're all set? Did you want to add anything more? I did offer you the last word before and then we...

FRANK HAGELBERG, LEGAL COUNSEL TO LEHIGH PARK ASSOCIATES, LLC

Thank you, I appreciate that. I don't think that, with all due respect to those comments, that there's anything that hadn't been voiced before and answered on our behalf. So I'll simply say thank you, and Happy Holidays, and we appreciate your time and attention.

SUPERVISOR YUDELSON

Yes, well thank you everybody. We're going, just as a procedural thing, the Board will leave this Hearing open should we want to consider any other information that allows the Board to do that. As I mentioned, we won't be voting on this tonight and our next Town Board Meeting is our Organizational Meeting on January 2<sup>nd</sup>, where we just do the beginning of the year things, so we would not vote on it at that meeting so the first meeting that it's possible we would vote on is the January 16<sup>th</sup> Meeting. We would publicize that ahead of time if that's going to be the case. There will be advance notice of when the Board would be reaching a decision on this. We appreciate Mark IV coming. We appreciate all the residents coming. We're going to take now a, about three (3) to five (5) minute recess in place, so the people who are here just for this, which I imagine is everybody except Department Heads, can leave, because we still have our regular Town Board Meeting to conduct. So thank you very much.

*(Brief intermission at 8:49 P.M.)*

(Meeting re-opened at 9:01 P.M.)

SUPERVISOR YUDELSON

So now we're back in session. Can I have the first Resolution, please?

RESOLUTION #23-191/2012

On Motion of  
Councilman Page

Seconded by  
Councilman Moore

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

Exhibit A	Bills Payable dated 12/19/2012	\$ 201,896.29
Exhibit B	Manual Bills Payable dated 12/19/2012	\$ 732,047.00

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

RESOLUTION #23-192/2012

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Page

WHEREAS, Capital BC Restaurants, LLC and Bugaboo Creek Holdings, Inc., heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the assessments for the years 2011 and 2012 for premises located at 935 Jefferson Road in the Town of Henrietta, being identified as Tax Account Number 162.09-1-5, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, a tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the

Town Board and the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Capital BC Restaurants, LLC and Bugaboo Creek Holdings, Inc., for the years 2011 and 2012 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make an application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Henrietta be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Henrietta to reflect the terms of such settlement.

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

RESOLUTION #23-193/2012

On Motion of  
Councilwoman Zinck

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, per Resolution #24-244/2008, and

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

THEREFORE, BE IT RESOLVED, that the Supervisor or his designee be authorized to pay Arnold Goldman of the firm Goldman and Goldman, 3 Leeward Lane, Rochester, New York 14618, the sum of \$16,554.80 for services rendered.

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 #23-194/2012

On Motion of  
Councilman Moore

Seconded by  
Councilwoman Zinck

WHEREAS, DDS Companies, Inc., the Builders of the West Henrietta Road Sanitary Sewer Force Main System, located on the north side of Rush Henrietta Town Line Road and west of West Henrietta Road and the north side of Martin Road, has installed sanitary force main sewers along said roads, and

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

WHEREAS, the Foreman of Drainage, Sewer, and Sidewalks and the Director of Engineering and Planning have determined that the said sanitary sewer force main system has been installed in accordance with Town requirements and have recommended that they be accepted by the Town.

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

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a properly executed Maintenance Bond in the sum of Six Thousand, Nine Hundred and Twenty Dollars (\$6,920.00) for a period of two (2) years.

SUPERVISOR YUDELSON  
Discussion?

COUNCILWOMAN ZINCK  
Like Susie sold seashells at the seashore, isn't it? A lot of s's. Nice job, Jack.

SUPERVISOR YUDELSON  
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 #23-195/2012

On Motion of  
Councilman Page

Seconded by  
Councilman Mulligan

WHEREAS, Banner's Day Care Facility shall be constructing a building at 3520 Winton Place and will generate sewage which will be connected by the Brighton Consolidated Sewer District, and

WHEREAS, the Town of Henrietta has offered to enter into an Out-of-District Sanitary Sewer Contract with the Town of Brighton, and

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

THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to execute and deliver said Agreement by and between the Town of Henrietta and the Town of Brighton.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay the Town of Brighton the amount under the stipulations specified in said Agreement.

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 #23-196/2012

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Page

TB December 19, 2012

WHEREAS, Resolution #20-229/2003 authorized the Supervisor to sign the Intermunicipal Agreement for Snow Removal and Ice Control Services on County highways within the Town of Henrietta under a lump sum reimbursement formula for an initial term of ten (10) years, expiring on September 30, 2013, and

WHEREAS, the County of Monroe has submitted an Amendatory Agreement for the 2012/2013 winter season showing a total estimated payment of \$371,508.91 for this season, and

WHEREAS, the Town of Henrietta desires to continue this Work Agreement with the County for the benefit of Henrietta residents.

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, this Amendatory Agreement with the County to allow the Town to continue performing snow and ice control services on County highways within the Town of Henrietta.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Just for my own edification, is this a voluntary thing or are we pretty much obligated to do this, because I don't think the County has any plows.

COUNCILWOMAN ZINCK

We're obligated, aren't we?

SUPERVISOR YUDELSON

Well, this is so that we can get reimbursed for plowing their roads.

COUNCILMAN MULLIGAN

Right, but I mean if we didn't do it, the County doesn't have plow trucks.

SUPERVISOR YUDELSON

Right, but this is so that they are, we have to have this agreement for them to be able to pay us, to be able to reimburse us.

COUNCILMAN MULLIGAN

Right, but if we almost have to do it, because they don't have the ability to do it. They got rid of trucks.

SUPERVISOR YUDELSON

Right, we are the only one that has the equipment to do it, that's true.

COUNCILMAN MULLIGAN

Okay, thank you.

SUPERVISOR YUDELSON

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

RESOLUTION #23-197/2012

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Moore

WHEREAS, the Rush-Henrietta Central School District has requested that the Town of Henrietta restrict parking on the cul-de-sac portion of Florendin Drive, located at the end of Florendin Drive in the Town of Henrietta, New York, be prohibited between the hours of 7:00 a.m. and 4:00 p.m. to facilitate the traffic flow of school buses on school days and that said restriction be posted on Florendin Drive, and

WHEREAS, the Town Board wishes to address this request to change the parking ordinance and wishes to allow the public any input it may have regarding such changes.

THEREFORE BE IT RESOLVED, I hereby introduce an ordinance amending Henrietta Town Code Section 273-6D to allow "no parking from 7:00 a.m. to 4:00 p.m., school days: (I) Florendin Drive Cul-de-Sac at the end of Florendin Drive".

BE IT FURTHER RESOLVED, that a Public Hearing will be held on the 16<sup>th</sup> day of January, 2013, at 7:00 p.m. at the Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York, on the question of the adoption of the proposed ordinance as hereto described where the Town Board will hear all persons interested in the subject.

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

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

RESOLUTION #23-198/2012

On Motion of  
Councilman Moore

Seconded by  
Councilwoman Zinck

WHEREAS, the 2012 Parks and Facilities Budget provides funds for the installation of a new floor system in the Bushman Cabin, located in Veterans' Memorial Park, and

WHEREAS, the Town of Henrietta has requested quotes from qualified contractors for such services, and

WHEREAS, three (3) quotes were received and the quote meeting specifications was received from Martens Specialty Flooring, Inc., for a total cost of \$19,500.00.

THEREFORE, BE IT RESOLVED, that Martens Specialty Flooring, Inc., 4 Potomac Street, Rochester, New York 14611, be hereby authorized to furnish and install a flooring system for the Bushman Cabin, located in Veterans' Memorial Park, for an amount not to exceed \$19,500.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be authorized to pay said Contractor upon successful completion of the Project and acceptance by the Parks Foreman.

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

RESOLUTION #23-199/2012

On Motion of  
Councilman Page

Seconded by  
Councilman Mulligan

WHEREAS, the Town Supervisor has received a quote for Audit Services from Raymond F. Wager, CPA, P.C., in the amounts of \$13,200.00 for the Regular Audit and \$1,250.00 for the Annual Updated Document, for a total amount of \$14,450.00 for the year 2012 Audit of the Town of Henrietta, and

WHEREAS, Raymond F. Wager, CPA, P.C. has performed this audit for several years for the Town of Henrietta with satisfactory results.

THEREFORE, BE IT RESOLVED, that Raymond F. Wager, CPA, P.C., be

TB December 19, 2012

authorized to conduct the year 2012 Audit of the Town of Henrietta for an amount not to exceed \$14,450.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be authorized to pay Raymond F. Wager, CPA, P.C., 1020 Lehigh Station Road, Henrietta, New York 14467, upon receipt of all necessary documentation.

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 #23-200/2012

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Page

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

Highway

As per the Attachment, effective 12/19/2012.

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

SUPERVISOR YUDELSON

That's the end of the Agenda, I wish everybody a Merry Christmas, Happy New Year, and before we adjourn, is there anybody who wants to speak on any item involving the Town of Henrietta? *(Pause, no response)* Is there a motion to adjourn?

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The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Mulligan, seconded by Councilwoman Zinck at 9:15 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner  
Deputy Town Clerk