

**HENRIETTA TOWN BOARD
AGENDA
JANUARY 5, 2011**

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 15, 2010
 - On Motion of: Councilwoman McCabe Seconded by: Councilwoman Zinck
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Rezoning of Land Located in the Rear of 705 Calkins Road from Residential R-1-15 to Residential R-2-15 in Conjunction With a Special Use Permit for Proposed Construction of Sixty (60) Unit Apartment Buildings
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 #2-45/2011
Authorize Accounts Payable

RESOLUTION #2-46/2011
Authorize Payment – Arnold Goldman of Goldman and Goldman - Legal Certiorari Attorney Services

RESOLUTION #2-47/2011
Authorize Additional Consultant Services

RESOLUTION #2-48/2011
Authorize Acceptance of Dedication of Sanitary Sewers – Lehigh Park

RESOLUTION #2-49/2011
Authorize Rezoning of Land Located in the Rear of 705 Calkins Road from Residential R-1-15 to Residential R-2-15 in Conjunction With a Special Use Permit for Proposed Construction of Sixty (60) Unit Apartment Buildings

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RESOLUTION #2-50/2011

Authorize Change Order # 1 – DPW Lighting Upgrade Project

RESOLUTION #2-51/2011

Authorize Traffic Control Device – Telephone Road @ Martin Road

RESOLUTION #2-52/2011

Award Quote and Authorizing 2010 Auditing Services - Raymond F. Wager, CPA,
P.C.

RESOLUTION #2-53/2011

Authorize Personnel Items

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PURSUANT TO CALL A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, WAS DULY HELD AT THE HENRIETTA TOWN HALL, 475 CALKINS ROAD, HENRIETTA, NEW YORK ON THE 5th DAY OF JANUARY, 2011 AT 7:00 P.M.

PRESENT

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

SUPERVISOR YUDELSON

Good evening, everyone. Happy New Year, everybody. Glad to see you here. Tonight, being the first meeting of the year, we actually have two (2) meetings, the Organizational meeting and the regular Town Board meeting. Because there is a Public Hearing involved with the regular Town Board meeting, we'll actually be doing that meeting first. So, we'll start that now and we'll ask the Clerk to call the roll, please.

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Before we begin, is there anybody who would like to speak on any items that are on the Agenda tonight, other than the Public Hearing, the Agenda items? *(Pause, no response)*
If not, can I have the approval of the Minutes?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of December 15, 2010.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye

Councilwoman Zinck voting Aye
Supervisor Yudelson voting Aye
 Carried

SUPERVISOR YUDELSON

Tonight we have a Public Hearing for a proposed Rezoning of land located in the rear of 705 Calkins Road from Residential R-1-15 to Residential R-2-15 in conjunction with a Special Use Permit for proposed construction of sixty (60) unit apartment buildings. At this point, I'd like to ask the Applicant or his designated representative to come up to the microphone, identify yourselves and give us an overview of the Project.

MARK COSTICH, COSTICH ENGINEERING

Good evening. Happy New Year. My name is Mark Costich, Costich Engineering, here representing Sheen Housing for the Calkins Road Project. With me are various representatives of Sheen Housing, for questions, if you have any. The Project is relatively simple; it's depicted on the site plan I put up in the darker green with the darker building. It is a 4.2 acre parcel that we are proposing to amend the zoning to a R-2 that would allow for a sixty (60) unit senior housing Project. The Project has been fully planned for with all the other development that's taken place in the kind of overall campus, the roads, the utilities have all been put in such a way that it's completely ready for this development. We do have good pedestrian access, we have sidewalks that will allow the residents to utilize the existing amenities around the site, and we think it's a good mix. I do have just a written Special Permit consideration, per your Code. *(Distributing a hand-out)* I'll just give a real brief overview of this: We again are here for a Special Permit and for amending the zoning. In general, there's about seven (7) questions the Code requests we answer. With regards to impact and character of the neighborhood; in general terms, we feel that we're very consistent with the neighborhood. The neighborhood consists of commercial, of recreational use, in the form of the Monroe County Fair and single-family residential. We believe we're a very good transition from the commercial to the single-family and to the recreational use. We don't believe that there's any inconsistent nature with our proposal with the neighborhood and in fact, some of the positive aspects of it would be that we're a very low traffic generator and very well user of utilities. We don't produce any noise, explosions, electricity, radiation, congestion; any negative impact associated with development of the Project during construction would be mitigated using proper techniques and everything within the Town's laws. In general, that's the Application. I do have an elevation here of what we're proposing. And, I guess I'd like to open it up to questions the Board may have rather than go on any farther.

SUPERVISOR YUDELSON

Okay. Any questions from the Board?

COUNCILMAN MULLIGAN

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Through you, Mr. Supervisor, Mark, what would the price range be on the units, in terms of the one (1) and two (2) bedrooms?

MARK COSTICH, COSTICH ENGINEERING

I'm going . . .

(From audience, inaudible)

MARK COSTICH, COSTICH ENGINEERING

Four hundred to four hundred and fifty (\$400-\$450) a month.

COUNCILMAN MULLIGAN

And, will they be subsidized at all by the Government, predicated on income?

(From audience, "We believe thirty percent (30%) of income.")

COUNCILMAN MULLIGAN

And, will there be any kind of community building for the residents?

MARK COSTICH, COSTICH ENGINEERING

No, there's one (1) single building proposed.

(From audience, "But, there's communities . . .")

MARK COSTICH, COSTICH ENGINEERING

There is community within that development.

COUNCILMAN MULLIGAN

Thank you.

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, when you were here last time, and many of the questions such as the crossing and would you be adding to it in the future, you answered for us, has any of that changed?

MARK COSTICH, COSTICH ENGINEERING

No.

COUNCILWOMAN ZINCK

Okay.

SUPERVISOR YUDELSON

Other Board members?

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COUNCILWOMAN McCABE

No, that was my problem with it.

SUPERVISOR YUDELSON

Could you just speak a little more, you mentioned a minute ago that it would have relatively low impact as far as traffic, if you could speak to any of the particulars because I think that was in our previous discussions, that was an important consideration.

MARK COSTICH, COSTICH ENGINEERING

Absolutely. The original traffic study was done by our office, and we are within all the thresholds and actually lower than any of the traffic impact proposed during the initial, this type of use, the residents would have cars and do use cars, but if you look at the I.T.E., which is the Institute of Traffic Engineers traffic generation for this type of use is very low and another key is it's off peak, so you don't have people getting up and leaving during the peak times of the highway system, which would be 7:00 a.m. to 9:00 a.m. in the morning, and 5:00 p.m. to 6:00 p.m. in the evening. These users are off peak, typically. We also have provided considerable pedestrian, we have sidewalk links to the Wegmans, as well as to Calkins Road, so we believe we'll be promoting more pedestrian.

COUNCILWOMAN McCABE

The last time we discussed this I brought up the question of the safety of the residents going across the road to the Wegmans and back and you did mention that Wegmans has agreed to allow their Helping Hands to assist any of the residents in there, has this changed at all or is it the same? Do you have an agreement with Wegmans, a written agreement?

MARK COSTICH, COSTICH ENGINEERING

I don't know that there's a written agreement, you know, Wegmans is a sponsor, or not a sponsor, but is the land owner and is very much in favor of this Application, has written a letter in support of the Application to you. We have provided in the development of the Wegmans a crosswalk and sidewalks to this property. This was all contemplated completely. So, I believe that there's complete consideration, and I'm sure that the Helping Hands are going to be here for these residents.

COUNCILWOMAN McCABE

Fine. Thank you. I just wanted that on the Record.

SUPERVISOR YUDELSON

Okay. Other questions from the Board? Is there anything else you wanted to present on behalf of the Applicant or just be available for questions?

MARK COSTICH, COSTICH ENGINEERING

We're available for questions.

SUPERVISOR YUDELSON

Okay. Thank you, Mark. Is there anybody in the audience who would like to speak on this Application? Anybody at all? *(Pause, no response)* If not, I will close this Public Hearing. It is on the Agenda shortly, so we will be voting on that during the rest of this meeting. May I have the first Resolution, please?

RESOLUTION #2-45/2011

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

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

EXHIBIT A	Bills Payable dated 1/5/2011	\$ 434,535.81
EXHIBIT B	Manual Bills Payable	\$ 2,722.43

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
Under discussion, will there be any more Budget transfers, or is that pretty much completed?

SUPERVISOR YUDELSON
No, there will be more Budget transfers and possibly encumbrances at the January 19th Board meeting.

COUNCILMAN MULLIGAN
Thank you.

SUPERVISOR YUDELSON
Call the roll, please.

Duly put to a vote:

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

RESOLUTION #2-47/2011

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the current number of applications for site plan and subdivision review, from time to time, have made outside engineering services necessary, and

WHEREAS, it is in the Town's best interest to have these reviews performed promptly, and

WHEREAS, the Director of Engineering and Planning has been directed to secure professional services in this matter, and

WHEREAS, Consultant billing will be at an hourly rate times a factor, which factor shall include all Consultant costs and shall not exceed 3.00 for straight time, and

WHEREAS, the Director of Engineering and Planning has arranged for such services with Vanguard Engineering, P.C., 241 Castlebar Road, Rochester, New York 14610, and

WHEREAS, funds for these engineering review services will be provided in accordance with Resolution #16-208/98.

THEREFORE, BE IT RESOLVED, that the Director of Engineering and Planning is hereby authorized and directed to secure the Consultant services in accordance with the above.

SUPERVISOR YUDELSON

Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe voting Aye

Councilman Mulligan voting Aye

Councilman Moore voting Aye

Councilwoman Zinck voting Aye

Supervisor Yudelson voting Aye

Carried

RESOLUTION #2-48/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, Mark IV Construction, the Developer of Lehigh Park (located at 1260 Lehigh Station Road) has installed off-site sanitary sewers to service said Project, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of

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the portion of sanitary sewer system to be dedicated to the Town of Henrietta and for this purpose has delivered to the Town filing instruments granting easements to the Town for said sanitary sewer system, and

WHEREAS, the Town Attorney has examined these easements and has found them to be in good order, and

WHEREAS, the Director of Engineering and Planning has determined that the said sanitary sewer system (off-site) was installed in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said off-site sanitary sewer system for the described Project 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 Four Thousand, Four Hundred Dollars (\$4,400.00) for a period of two (2) years.

SUPERVISOR YUDELSON

Discussion? Call the roll.

Duly put to a vote:

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

RESOLUTION #2-49/2011

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, the Town Board received a written request from Sheen Housing for rezoning of an approximate 4.188 acres of land from a 27.418 acre parcel of land, identified as Tax Account Number 176.06-1-75.111, located in the rear of 705 Calkins Road from Residential R-1-15 to Residential R-2-15, along with an Application for a Special Use Permit to construct a sixty (60) unit apartment building for low and moderate income seniors, and

WHEREAS, a map of the land under consideration is on file in the Office of the Town Clerk, and

WHEREAS, after consideration by the Henrietta Town Board that the requested rezoning change and use does not exceed one or more thresholds for a Type I Action, as listed in Section 617.4 of the New York State Environmental Quality Review Act

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(SEQRA), and

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

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

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

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

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

WHEREAS, pursuant to an Order, a Public Hearing was held on January 5, 2011.

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

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms, and adopts the rezoning to Residential R-2-15 and approval of Special Permit Application No. 2010-112 by Sheen Housing for a sixty (60) unit apartment building for low and moderate income seniors to the rear of 705 Calkins Road, Rochester, New York, upon the terms and conditions set forth on the Record at the Henrietta Town Board Special Permit Hearing held on January 5, 2011, the parcel being Rezoned to R-2-15, as per the attached legal description and further subject to any easements of Record and any necessary approvals of the Henrietta Planning Board.

SUPERVISOR YUDELSON

Discussion? Call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #2-50/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

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WHEREAS, Resolution #18-158/2010 awarded the DPW Building Lighting Upgrade Project to Unlimited Electric, Inc., for a total cost of \$11,680.00, and

WHEREAS, during the installation of the new lights it was determined that the fixtures to be installed in the wash bay area were not compatible with electrical codes, and

WHEREAS, Change Order No. 1 provides for the installation of the proper lighting fixtures, and

WHEREAS, funds are available in the 2010 Town Budget as part of the Energy Efficiency and Conservation Block Grant for this work, and

WHEREAS, the Safety Officer has reviewed the proposed change to this Contract, and recommends that this be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute Change Order No. 1, an increase not to exceed the amount of \$1,610.00, resulting in increasing the total Contract amount to \$13,290.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Unlimited Electric, Inc., 1296 East Victor Road, Victor, New York 14564, upon successful completion of this Project, and acceptance by the Safety Officer.

SUPERVISOR YUDELSON

Discussion? Call the roll.

Duly put to a vote:

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

RESOLUTION #2-51/2011

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, New York State Vehicle and Traffic Law, Section 1660, permits the Town Board to establish traffic regulations within the Town by Resolution, and

WHEREAS, the Monroe County Director of Transportation has requested permission to install a "STOP" sign on Telephone Road at the intersection of Martin Road, and

WHEREAS, the Henrietta Town Board supports and encourages the installation of this traffic control device in the interest of public safety.

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THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby authorizes the establishment of a "STOP" sign at the above named intersection.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
Just, thank you, for doing this. A number of people have requested it and I think it will help a lot on public safety.

COUNCILWOMAN McCABE
And, this makes it a four (4) way Stop, is that not right?

SUPERVISOR YUDELSON
That's correct. Thank you. Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #2-52/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the 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 2010 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 authorized to conduct the year 2010 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?

COUNCILMAN MULLIGAN

Just under discussion, I think going with Wager, who we've been with for close to thirty (30) years is an excellent decision. I think he gives us an excellent overview and objective opinion of the Town finances.

COUNCILWOMAN ZINCK

He does a great job.

COUNCILWOMAN McCABE

Agreed.

SUPERVISOR YUDELSON

I would agree, and let the Record show this is the same amount we paid last year. Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #2-53/2011

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

BE IT RESOLVED, that the following person be hired:

Kathleen B. Carleton Town Court, Part-time Cashier @ \$10.00/hr.,
effective 1/3/2011.

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

Karen McArthur Recreation, Acting Director of Youth Bureau
and Recreation, effective 1/5/2011.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

That's the end of the regular Agenda, before we close this portion of the meeting and go into the Organizational meeting, is there anybody who would like to speak on any matter involving the Town of Henrietta? If you would come to the microphone, we know you, but for the Clerk, please give your name and address.

(Kathleen Englert, 284 Brooks Road, spoke in reference to why no signs are posted when a new building is being developed – Audio File available upon request.)

SUPERVISOR YUDELSON

Is there anybody else who would like to speak on any matter involving the Town? *(Pause, no response)* Okay, then just to stick to our regular format, I would ask that somebody move adjournment for this portion of the meeting, just for our records, and then we'll go right into the Organizational meeting.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilwoman McCabe at 7:35 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk