

**HENRIETTA TOWN BOARD
AGENDA
MARCH 13, 2019
7:00 P.M.**

Supervisor Schultz
Councilman Page
Councilman Adair
Councilman Barley
Councilman Stafford

ORDER OF BUSINESS

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Approval of Minutes of the Preceding Meeting(s):
February 27, 2019
5. Public Presentation(s)/ Miscellaneous Communications
6. Public Hearing:
 - Public Hearing to Consider Rezoning 3875 East Henrietta Road from RR-1 to R-2-15
 - Public Hearing to Consider Rezoning Property on Lehigh Station Road (Tax ID Nos. 175.12-1-3.1 and 175.12-1-3.2) from Residential R-1-15 to Residential R-2-15)
7. Introduction of, Public Discussion of, and Action Upon Resolutions, Local Laws, and Ordinances
8. Committee Reports
9. Additional Public Comment
10. Adjournment

RESOLUTION #6-105/2019
Recognize Eagle Scout – Ryan Buick

RESOLUTION #6-106/2019
Authorize Accounts Payable

RESOLUTION #6-107/2019
Declare Intent to be Lead Agency – 100 Marketplace Drive, Chick-fil-A SEQR

RESOLUTION #6-108/2019
Declare Items Surplus Materials – Recreation Department

RESOLUTION #6-109/2019
Authorize Advertising for Bid – Tennis Court Resurfacing

RESOLUTION #6-110/2019
Authorize Purchase – New Public Library Digital Equipment – Fusion Digital

RESOLUTION #6-111/2019
Create Miscellaneous Fund – East River Road Mitigation

RESOLUTION #6-112/2019

Authorize Creation of GIS Operator A Title

RESOLUTION #6-113/2019

Authorize Personnel Items

RESOLUTION #6-114/2019

Adopt and Approve the Design and Development Guide

[Town Clerk's Note: Resolution #6-115/2019 was pulled from the Agenda, therefore no action was taken.]

RESOLUTION #6-115/2019

Article X Vote – Dollar General – 5711 West Henrietta Road

MINUTES OF THE HENRIETTA TOWN BOARD
MARCH 13, 2019

A regularly scheduled meeting of the Town of Henrietta Town Board was held on Wednesday, March 13, 2019 at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York 14467. The meeting was called to order at 7:00 p.m. by Supervisor Schultz.

PRESENT: Supervisor Stephen L. Schultz
Councilman M. Rick Page
Councilman Scott M. Adair
Councilman Robert Barley Jr.
Councilman Michael J. Stafford

ALSO PRESENT: Rebecca Wiesner, *Town Clerk and Receiver of Taxes*;
Donald Young, Esq., *Town Attorney*;
Peter Minotti, *Deputy Supervisor*;
Terry Ekwel, *Fire Marshal/Building Inspector*;
Amy Jorstad, *Town Assessor*;
Jason Kulik, *Director of Parks and Recreation*;
Chris Martin, P.E., *Director of Engineering and Planning*;
Adrienne Pettinelli, *Library Director*;
Linda Salpini, *Director of Finance*;
Andrew Stewart, *Director of Informational Services*;
Kevin Wilson, *Assistant Building Inspector*;
Approximately 100 Guests/Resident

SPEAKERS: Karen Ager, *76 Alton Way*;
Karen Barrows, *252 Alverstone Way*;
Mike Bogojevski, *BME Associates / Lehigh Park Apartments*;
Ken Breese, *59 Alverstone Way*;
Clark Cianfarini, *112 Alton Way*;
Rick Cenzi, *5796 West Henrietta Road*;
Sam DeSalvo, *876 Middle Road*;
Chris DiMarzo, *Mark Iv Enterprises / Lehigh Park Apartments*;
Helen Dobesh, *10 Pinon Drive*;
Kathleen "Kitty" Englert, *Historic Site Committee Member*;
Joseph Galley, *59 Overland Trail*;
Gary Goodridge, *Historic Site Committee Member*;
Dan Griffiths, *Griffiths Engineering / Dollar General*;
Ethan Hackett, *5758 West Henrietta Road*;
Mary Hartshorn, *64 Cattaraugus Drive*;
Paolo Hoang, *20 Pecos Circle*;
William Hulett, *16 Pecos Circle*;
Rand Joannette, *719 Erie Station Road*;
Joan Kalsbeck, *3849 East Henrietta Road*;
Michelle Lebel, *Historic Site Committee Chair*;
Sharon McCullough, *3913 East Henrietta Road*;
Mary Morich, *42 Telephone Road*;
Chris Northrup, *5782 West Henrietta Road*;

Carl Palmer, *37 Florendin Drive;*
Bryan Powers, *Mark IV Enterprises / Lehigh Park Apartments;*
William Radner, *3913 East Henrietta Road;*
Lindsey VanVliet, *35 Reagan Way;*
Betty Wynne, *5742 West Henrietta Road;*

Everyone stood for a silent prayer and The Pledge of Allegiance was recited.

APPROVAL OF MINUTES OF THE PRECEDING MEETING(S)

Supervisor Schultz: Thank you. Can I get a motion for the approval of the minutes?

Councilman Page: Mr. Supervisor, I'd like to make a motion to accept and approve the minutes from the February 27, 2019 meeting.

Councilman Barley: Second.

Supervisor Schultz: Any discussion? Hearing none, please call the roll.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

PUBLIC HEARINGS: Consider Rezoning 3875 East Henrietta Road from RR-1 to R-2-15

Supervisor Schultz: We have two public hearings and a public presentation, more or less, tonight. We'll start with the public hearings. The first one is a continuation from the previous meeting for considering rezoning 3875 East Henrietta Road from RR-1 to R-2-15. In addition to the public hearing we held at the last meeting, we also had a neighborhood meeting that we actually conducted onsite at the property itself. It looks like there's a couple of individuals, judging by the street addresses, who would like to speak on that so I will first call up, looks like Joan Kalsbeck. When you come up, if you could please state your name and your address and then give us your opinion.

Joan Kalsbeck: I'm Joan Kalsbeck and I live at 3849 East Henrietta Road. I live directly north of the property in question. I did receive from my neighbor on the other side of the property, sort of a layout of these four apartments. This is not an architectural rendering? Am I correct?

Supervisor Schultz: That one is not, that is just a 3D rendering. Some people have trouble

reading floorplans so that's just a 3D rendering from the floorplans.

- Joan Kalsbeck: It did help me somewhat. If you could clarify for me, there's a National Building Code, is that correct? And then New York State has the ability to adopt that or make changes? What year of the code is Henrietta using?
- Supervisor Schultz: The most recent. Terry Ekwel would have to answer that.
- Joan Kalsbeck: Okay, so it is the most recent.
- Supervisor Schultz: Yes.
- Joan Kalsbeck: Okay. I know at one point they were not, that's why I wanted to clarify that.
- Supervisor Schultz: As far as I know we always are on – Terry, correct me if I'm wrong – there's no delay.
- Joan Kalsbeck: Okay, well it's before your time. It was before your time, but we are now using the current one, is that correct?
- Supervisor Schultz: We are using whatever New York State calls for us to do.
- Joan Kalsbeck: Okay. Thank you for that. I went over to the property this morning with the, whatever this is that shows the layout of the—
- Supervisor Schultz: Conceptual plan, let's call it.
- Joan Kalsbeck: Okay, alright, to show the layout of the property and I made a couple of observations particularly to the lower level apartment and a lot of it had to do with the egress out of the windows on the lower level. My understanding is that the windows cannot be more than 44" off.
- Supervisor Schultz: Yes, so the current building does not meet code. They would have to do substantial changes, including providing egress from those windows. The one entrance, if you're facing the house, kind of in and to the left, in that expansion that doorway is not a sufficient height when you get inside. There's a number of changes they would have to do. The hallways aren't wide enough, the stairs are a little too steep; there's a lot of work that they would have to do to bring the building up to code.
- Joan Kalsbeck: Okay. As you know, I am concerned about it being a four family. I think I made that clear. It's a residential area and I would like to see nothing more than two families there. This rendition, too, really isn't quite . . . what do I want to say . . . it isn't quite to scale. The beds look a little bit odd, so when would we see something more definitive?

- Supervisor Schultz: When they submit their plans to the Planning Board.
- Joan Kalsbeck: Okay. The change would already have been approved by that time?
- Supervisor Schultz: We will—
- Joan Kalsbeck: Excuse me for interrupting, but it's hard to make a reaction when you're not sure what you're looking at. We heard it was going to be a two or three and then it's going to be a four, and now it's still going to be a four but there aren't eleven bedrooms, there's nine. It's just—
- Supervisor Schultz: I never heard the eleven. That was probably somebody miscounting. I only ever heard the nine. As far as the three, four, conceptually that wouldn't change. It's either going to be the four or the three because it may be difficult to get that fourth studio apartment in there under the current building codes. They are going to be meeting with our Building Department to go through that to make sure what they can do is up to code. But in terms of . . . there has never been neighbor review of architectural plans required for . . . again, from a conceptual standpoint, yes, but as far as getting the architectural plans and giving that feedback before they get approval, that doesn't really play a part of it to be honest.
- Joan Kalsbeck: Okay, so you will be looking at the windows—
- Supervisor Schultz: Absolutely. Believe me, Terry will not let them open that door without it meeting code. That is one thing you do not need to worry about in this town is our Code Enforcement allowing that stuff, especially with a multi-unit dwelling where the actions of one unit puts the other people's lives in danger, should there ever be a fire. So there will be sufficient egress or it will not happen – plain and simple.
- Joan Kalsbeck: And if appropriate by code, there will be a sprinkler system because it's multifamily?
- Supervisor Schultz: I don't – as Town Supervisor – I don't know the Town Codes, but again, yes, if code requires a sprinkler system, there will be a sprinkler system, plain and simple. It will match all the current Building Codes or it will not get a Certificate of Occupancy, plain and simple. One of the things I just want you to know, I had some discussions with our Town Attorney because whereas you guys weren't there for that meeting, some of your neighbors were and one of the concerns they had is they weren't as super concerned about what Mike is looking to do here in terms of it still matches the residential neighborhood and it still, from a look standpoint . . . it might be a little bit denser than other houses but it still has that look and feel of a residential place and it doesn't change that.
- What they were afraid of is what happens after Mike. Does somebody

come in, knock down, and build a 3-story apartment. We are going to put – if we approve the rezone and this is why we're not voting on this tonight because we have to craft this language – but we are going to put restrictions on there in terms of height, density, number of units, whatever we're allowed to do so that, to prevent . . . so when we rezone it we will carry those restrictions so somebody won't be able to come in and put in a 3-story apartment building. They won't be able to go more than – if we use the four number – they wouldn't be able to put in more than four units or nine bedrooms.

I've already talked with the developer, he didn't have an issue with us doing that. I don't know that I would have said no if he did have an issue, but it's always easier if they're not contesting it. We would put these conditions on it so that that's as far as it can go because we do agree with you, it's a residential neighborhood. That building has a residential look because it was at one time a doctor's house and he had a home occupation and then he expanded it, and to be honest, whoever did that expansion didn't do a great job.

Joan Kalsbeck: No.

Supervisor Schultz: So now they're basically looking, what can we do with that? It's a use that keeps it as residential as possible. Again, I realize it's a little bit higher density than you might have liked in that it's four units or nine bedrooms, but that's something we'll consider when we have the vote and that vote will most likely be two weeks from today.

Joan Kalsbeck: Because until then it's difficult to address the parking issue and where the lots will be because now there's nine bedrooms but obviously there may be more than one person in the bedroom and they have friends and family and cars coming in and out.

Supervisor Schultz: Sure, so similarly we will put – like we've done with other applications like this – on the Special Use Permit . . . it's not us to decide exactly how the parking gets divvied up, that's the Planning Board, but what the Town Board has done – this particular Board in particular, I can't speak for previous Boards – what we've done is when there is feedback from the public during the public hearing session, we put on the end of the Special Use Permit, here's what we would like the Planning Board to address. So we're going to require that, ask them to basically trim way down the parking space. We're going to ask them to address the issue of the privacy fence so that . . . Terry from a Building Code standpoint, because there are, the only egresses into the house are in the back of the building, he wanted some parking in the back. There was some concern from some of the neighbors of headlights so we talked about that we would require them to put up a privacy fence so that the headlights wouldn't shine into the neighbors houses.

So we'll put those kinds of things as stipulations in the Special Use Permit and those do carry forward – they stay with . . . if you violate

those you run the risk of losing your Certificate of Occupancy and shutting down. They do carry legal weight.

Joan Kalsbeck: And would it be open to, rather than a privacy fence, shrubbing?

Supervisor Schultz: Yes—

Joan Kalsbeck: I'm not talking something eight feet tall, I'm talking like the trees I planted on my side; they went in at seven feet.

Supervisor Schultz: Right, we, again, we'll say what the goal of it is to the Planning Board. They have a lot more experience than we do in this type of stuff so they can . . . like you could tell me a type of tree and I couldn't tell you if it would block headlights or not. They also have a Conservation Board who is even more specialized specifically in the foliage side of things so could it be – again, arborvitaes, I don't know, I don't know what grows around here – but that type of . . . yes, could it be a hedge wall something. Again, the goal is to block the headlights so that it doesn't shine into the neighbors, and do that in an attractive way. Just so you know, with all of that, they are the architectural review board so when they come in and show them, "Here's what we're looking to put in," they can say, "No, that's too ugly, don't put it in."

Joan Kalsbeck: Okay, and that would be kept up as well then.

Supervisor Schultz: Correct.

Joan Kalsbeck: So they put in the trees, half of them die the first year, new ones go in.

Supervisor Schultz: Yes, that's, again, it would be a stipulation on their Special Use Permits, so they would have to stay up on it.

Joan Kalsbeck: Alright. I'm still hoping for two families, but thanks for listening.

Supervisor Schultz: You bet.

Councilman Barley: Thanks, Joan.

Councilman Stafford: Thank you, Joan.

Supervisor Schultz: Next we have Sharon McCullough. Good to see you again.

Sharon McCullough: You too. Sharon McCullough, 3913 East Henrietta Road. I was at the walkthrough – thank you for doing that. I guess I still have concerns, you talked about one of mine about what happens in the future. I'm also concerned that \$100,000 for renovations seems unlikely. It seems like there's a lot that needs to be done and so I'm concerned about how realistic the proposal is. The parking, I know we kind of talked about

nine adults potentially with potentially nine significant others could be a lot of cars, so how much parking can you really cut and/or until people can't actually park. I know that when Fireside went in there was a lot of concern about parking and everyone thought it would be fine and people are parking in the street and they're parking at the – they can't always fit people there. I think that that could be a real problem, depending on who ends up living there.

Other things that I haven't talked about were air conditioning units. I don't really know how that works but it seems—

Supervisor Schultz: I actually know that answer because he talked about on the walkthrough. He's pulling out the central heating unit and he's putting in these small units that are built into the unit that do both heating and cooling on a specific. So originally, if you remember, there was a discussion, it was going to be utilities included. That was because it was this big central HVAC system. He's actually going to switch that so each unit has its own HVAC.

Sharon McCullough: Pets. I feel like four families could be lots of pets potentially. I talked with Michael a little bit and he said he wasn't sure about that, so I don't know if that can be considered as part of this. Garbage, grills, bicycles, all of the things that live outside at a lot of people's homes and where those kinds of things would be.

Supervisor Schultz: There is a patio on the back, which is I suspect where that stuff would largely live. If you look around the back of the house there was a patio off what was the original living room.

Sharon McCullough: Yes, right.

Councilman Barley: Are you thinking more storage, Sharon?

Sharon McCullough: Yes. Those were really the things that I continue to be concerned about. I'm not the expert on this so I'm not going to bore you any longer.

Supervisor Schultz: One of the things I will say, with regards to your \$100,000 thing is I've asked Mike to meet with Terry to make sure that his – either Terry or Kevin, it doesn't necessarily need to be Terry – to meet with them to go over the plans to make sure they are up to code and that it is doable because to be honest, he has some of those same questions that you do. As long as he's going into it eyes wide open, if they look and say it's really going to be \$150,000 and he's good with that, that's fine. If he decides to walk away from it . . . we've asked him to do that before two weeks from now because if he's going to walk away from that we want to not hold the rezone hearing.

Sharon McCullough: So I guess I would prefer that it stay zoned the way that it is – just for

the record. I'm comfortable with the things that fit into that zoning, including a daycare center. It doesn't look like a church is actually feasible because it's too close to Joan's property, so that would be my preference.

Supervisor Schultz: Okay, thank you.

Sharon McCullough: Thank you.

Councilman Barley: Thanks, Sharon.

Councilman Stafford: Thanks, Sharon.

Supervisor Schultz: William Radner. Good to see you again.

William Radner: Good to see you. Bill Radner at 3913 East Henrietta Road, directly south of that property that we're talking about. My comment is going to be short and sweet. I believe that the scope of this project would definitely change the character of the neighborhood. It's a single family, residential at this point. You put four or so families in that one building, it's got to substantially change that property and our property too. That's all I have to say.

Supervisor Schultz: Okay, thank you very much.

Councilman Barley: Thanks, Bill.

William Radner: Thank you.

Councilman Stafford: Thanks, Bill.

Supervisor Schultz: That's all I have on the list, but is there anyone else who wishes to speak on this particular property? *(Pause, no response)* Hearing none, we're going to move on to the next public hearing; I'm going to keep this open because again, we're going to be voting at the next meeting so that way, in case there's any updated plans or anything you guys wish to comment on that changes between now and then you'll have that opportunity before we actually vote.

PUBLIC HEARINGS: Consider Rezoning Property on Lehigh Station Road (Tax ID Nos. 175.12-1-3.1 and 175.12-1-3.2) from Residential R-1-15 to Residential R-2-15

Supervisor Schultz: The next public hearing is to consider rezoning property on Lehigh Station Road, Tax ID Nos. 175.12-1-3.1 and 175.12-1-3.2 from Residential R-1-15 to Residential R-2-15. I've asked the developers to come up and give a quick presentation because I actually had already

asked them to modify their plans so as to not have an impact on the historic property that I believe is the 175.12-1-3.2 property. What's the real name of the house?

Rebecca Wiesner:

Andrew Short House.

Supervisor Schultz:

The Andrew Short House. Please state your name and affiliation when you come up to the microphone.

Bryan Powers:

Good evening, Mr. Supervisor and members of the Town Board. I'm Bryan Powers, Project Manager for Mark IV Enterprises on behalf of Lehigh Park II, LLC. Joining me in the audience is Chris DiMarzo, President of Mark IV Enterprises, also member of Lehigh Park II, LLC, and Mike Bogojevski, P.E., Engineer with BME Associates. Thank you.

Let me go back in time just quickly so everybody can follow us through this journey and where we've been and hopefully where we are going. I'll try to do this from here, I'll just point to the drawings.

So in 2007 there was a project on the current built portion of Lehigh Park and it had gone through the Town approvals and actually had started being constructed, it was starting to come out of the ground and for whatever reason that developer lost their funding and the project was kind of stalled and not completed. That's about when we got a call from the then Supervisor saying, "Mark IV, can you guys please come in and help."

Well, there wasn't so much there that we could really salvage so we ended up tearing out of the ground a lot of what was there and with that became our Lehigh Park Apartments off of Lehigh Station Road. Matthews & Fields Lumber is here, and the Florendin Drive neighborhood is located here. With the construction of that project we actually hammered our last nail in this project in about early 2010. By the end of 2010 we were about 90% occupied with the project. One of our more successful ventures, if you will.

As we were finishing the project, our neighbors to the east, it was then the Chu family, approached us and said, "Mark IV, would you be interested in purchasing our property?" As we had designed this early phase of Lehigh Park, we actually designed it with the idea that the project would have a Phase II, just by virtue of how the parking lots are laid out, utilities are laid out, that sort of thing. As we began to discuss with the Chu family, we reached a deal and acquired that property, so we started drawing plans up for the Chu property. The Chu property is about 18 acres and it contains a substantially wooded area, which is wetlands, wetland buffer, and floodplain, is really undevelopable. But the rest of the property is pretty much developable and happens to be adjacent to our existing apartments.

Plans were drawn and we submitted an application in November of 2016 just in front of the Town entering into their moratorium to study

the Comprehensive Plan, and that affected what we're trying to do here tonight, and that is rezone this property. So we have gone back to the drawing boards a little bit. The prior Supervisor and Town administration asked us to acquire a residential home that's located here; that's at 1294 Lehigh Station Road. This is the historical house that, Mr. Supervisor, you mentioned in your opening comments.

So our rezoning application, as it was originally presented to this town and what we're standing here for tonight, is to rezone this 18 acre parcel and also rezone this 1294 parcel to R-2-15. The reason why we want to go to R-2-15 is the current zoning, R-1-15, does not permit a multifamily housing. R-2-15 has a clause in it that multifamily housing can be permitted via the issuance of a Special Permit, which would be the next step of this Board if we're successful with the rezoning.

The Phase II portion of this project is going to include the addition of 80 apartment units. Those are to be located in 10 apartment buildings – that's these style of buildings. Each building has eight units in it: four on the ground floor, four upstairs. Each unit has an independent access; that's what makes these apartments so attractive to tenants is they have their own front door. They're not walking into a common door, down a common hallway; they have their own access. The ground floor access is totally handicap accessible because there are no steps, so we do attract people that are in need of that feature as well.

The Phase II portion of the project will also include 18 townhouse units located here on our eastern border. A portion of this apartment building and that townhouse building is actually, as it's drawn right now, situated on this 1294 Lehigh Station Road, and I'll talk about that in a minute.

To service the Phase II development, we will extend all the parking areas or internal roadways, all the utility connections, at least for water, and sanitary sewer, and we'll continue to use the access point that we have on Lehigh Station Road. We are not proposing a second access point into this development. I would point out that when we built Phase I, Lehigh Station Road being a New York State DOT roadway, we constructed a heavy duty shoulder on the southern side of that roadway, and the purpose of that is to allow eastbound traffic to get around a car that may be turning right into the development. So that feature already exists.

The storm sewer for the project won't be connected to the storm sewers in Phase I, we'll actually construct a new storm sewer system and drain that into a new storm water management pond located near our eastern property. I will point out that we had a neighborhood meeting on February 7th and one of the comments about this pond was, "Can you move that further away from the eastern property line?" We have done that. As we mature the design and mature the pond design, we will see if we can move it even further. Right now that's just a graphical representation.

One of the challenges with this property is we have a significant amount of offsite drainage coming from the Hosmer property across Lehigh Station Road and into this property. We actually . . . about four or five years ago, the Town contacted us – the Town Engineer – and asked if the Town could get permission to come into this property to clean out a channel or ditch on the property to get the drainage to drain even better. There was some flooding in the local area that was going on and we granted that permission. The ditch isn't perfect, but with our project we've proposed to enclose the ditch, put in a storm sewer system, and either outlet it into our pond or into this wetland area.

As I mentioned, the northern half of this property – about 11 acres or so – is a wooded wetland area. It's not really ideal for our usage and what our mapping indicates right now is we would propose to dedicate that to the Town. Reason being is Veterans Memorial Park is to our north and the Lehigh Valley Trail runs up the eastern property line. So potentially we could create a network of trails off of the Lehigh Valley Trail system or even connect to some of the trails that are in the park right now. But we think that would be a good feature to amend or add on to the Veterans Memorial Park.

And I mentioned before, through a lot of the early neighborhood meetings, we've added townhouses to this project. Originally it was all apartments and the reason why that came about was we have single family homes to our east, we have this multifamily apartment use on our property, and to transition from that to residential we proposed to put townhouses in. The townhouses will set back from our eastern property line here by more than 70'. The Town then owns the next 60', which encompasses the Lehigh Valley Trail and with those dimensions our closest townhouse building is about 150' to the closest residential house. The dimension grows as we get further north on our property.

With this large setback area, we propose to landscape that and enhance the wooded buffer that's already there and plant it with an evergreen buffer that would be more of a full year buffer. There's a lot of deciduous trees in there right now.

To get to where we are now, last evening we were in front of the Town's Historic Committee to really talk about the project, but talk about 1294 Lehigh Station Road. This is a historically designated house. The prior owner, Bonnie Kase, one of the last things that she did before we bought it, was get it historically designated. Through this meeting last night, it was apparent that the Historic Committee does not favor the apartment building and the townhouse building that are overlapping onto this property. They would prefer that we leave the property alone. So thankfully we work with good engineers and they went right to work this morning and were able to play around with this apartment building and this townhouse building. If you look on the colored rendering, you can see that this building is kind of moved around the corner of this parking lot and we've actually shrunk this parking lot to bring the townhouse building forward and off of that property.

To set the stage on this historic house, the house is unique because of the age of the house and because of the construction of the house. Apparently it's an older post and beam structure. There are features on the property that aren't necessarily historic. There is a chain-link fence system that if there are neighbors in the audience, they see every single day when they pull out of their street or pull back in again. It's a dilapidated chain-link fence that possibly kept a pet in at one time, but has seen better days. There is a shed in the backyard, there is a stone parking area for a vehicle that I'm not sure if the vehicles on the road or not, and there's a few other items.

Really our intention, even with this plan, with the homes or townhouses and apartments on this lot, was to clean this lot up a little bit. We've already cleaned it up some with the vegetation, we mow the property, our crews are out there during the grass growing season, which hopefully is coming soon, and we're taking care of the grounds and we do have a renter in that house right now. And we're responsible for the structure. We would continue to do that, but we're asking for the Town's consideration that if we could possibly re-subdivide this property – not to build on – but we're looking for a little setback space from mainly this townhouse structure. The lot line is about five feet off the back of it, that's as far we can move this townhouse structure. The lot right now is roughly approaching 30,000 S.F. in its current configuration. We would like to subdivide the back portion of this lot and the lot would become about 20,000 S.F.

We would amend our application because we'd still like to rezone this back piece because it would be part of the Lehigh Park property and rezone that to the R-2-15. I think that is a good tradeoff. Otherwise, what is our incentive to clean this property up? We were asked to purchase this property, we have done that, we are now the care takers of this property, but if we really don't have any – I'll use the word use of this property for our project, why not just sell it and let somebody else worry about it? What we'd like to be is good stewards and good owners and clean this thing up and increase the value of the historic portion of this property, and I think that's really the charter of the Historic Committee – as I read it – is to make these places survive and increase their value and increase the value of the homes that are around them, and that's exactly what we want to do. Chris, Mike, and I would be happy to address any questions you have.

Supervisor Schultz:

Thank you. Just to be clear, it wasn't just the Historic Committee that wanted those buildings off the site, it was myself. I expressed that almost two weeks ago through the Deputy Town Supervisor. I asked him to reach out to Mark IV and let them know that those needed to be moved off because you do that you've now encroached on a historic site and just like what Dollar General's going through, you'd be up for an Article X vote, you could potentially scrap the whole project because your negatively impacting a historic site.

As far as the re-subdivision, I'm not in favor of that. What I have done is as soon as I got your plans I forwarded them on to the Zoning Board and the Planning Board and asked them at their next meetings if they would review my suggestion, which is rather than adjust the lot lines to deal with the setback, that you get a variance for the setback. You would still be able to use the open space of the setback on that other property, but it affords better protection for the historic site, it makes sure that it stays as that buffer because I know a number of the neighbors from the Florendin area have talked about that that they want to see that stay. It's also consistent with how we're treating other properties that that open space that surrounds the property is part of that historic site itself.

Now, as far as dilapidated chain-link fences, that goes into . . . I don't even know that that would come under Article X because it's not really a significant change. But if you're ever in doubt, you can always ask the Historic Site Committee and I'm sure they would say, "You know what, go ahead." Again, not having seen the fence, but assuming it fits the description you gave, I don't think that would be an issue in the least. The Zoning Board meets a week from today and the Planning Board meets Tuesday for the next meeting, so we should have that feedback from those two Boards prior to our next meeting.

One of the things this Board set up as our standard procedures is we never vote on a rezone application after the first public hearing, so we're not voting today anyways. We're just getting the public feedback so that we have time to digest that, do additional research, make sure that – because rezoning is a big thing. I won't say it's permanent because you can always rezone again, but it's effectively permanent. We made a decision some time back that that's how we're going to deal with it – really research and dig into these things and this Board has done a lot of that.

So, like I said, we should have that opinion from the Zoning Board and Planning Board whether they agree with that – to leave the property lines and just give you a variance on the setback so you can put the buildings.

Finally, as far as the question as to why you would do this? Because we are asking you to be stewards. You're asking us to take part of your parcel, which essentially you don't have to pay tax on anymore, let's be honest here, that's why you want to give it to the Town. We're saying as part of that, what we're asking you to do is to preserve that house. Someone has to maintain it, someone has to keep it up. If you maintain it as a rental, it effectively covers its own costs, but yes, we are asking you to be stewards and part of that, with all this stuff, it's a give and take. With anything in the community, we're part of a community, we have to respect your desire to develop your properties but while also respecting the rights and wishes of the neighbors.

Now, of course, one of the things that always typically happens is

people like development until they move in and then they want it to stop. But you also have to balance that. You don't want to overdevelop, you don't want to impinge. A couple of the things that we will probably be asking – in talking with Anthony, I think he was already on board with this – is that we would want to see some drainage improvements along the trail itself because along that area is rather wet. I think switching the swale or ditch to an actual drainage, sewer, running that out, should help drain that trail, which will also help the neighbors; because of the amount of water that's coming from sheeting from the Thruway through the Hosmer property into this area, it does saturate the grounds in those neighbors yards. Anything we can do to drain the water out of here, should help drain the water out of their yards and should improve their situation. That's where we get to a win/win: you put in this property, it helps you out because it's more income, it's more rental income, it's done in a way to be respectful of the neighborhood immediately next door and even better, it's actually providing them benefit because it's providing drainage, it's providing some trails, it's providing connectivity to the park.

That's ultimately the goal whenever we try to do these is some people say, "Why do you not deny a lot of these things?" It's usually, our job isn't necessarily to deny something, it's to get it to a point where we can accept it. Because again, when everybody wins, that's the best outcome. Your willingness, very much appreciate your willingness to move that out of there and the fact that you came back from last night and got it done today, hats off to BME.

One other thing I would want to take a look at, we've been talking with Hosmer, they are looking to provide a path for the Lehigh Valley Trail down the eastern side of their property. Today right now it routes onto Nevins and people walk down Nevins. We'd be looking at potentially doing a crossover which would be more or less right at the western edge of that historic property, so I'm going to ask you and I'm also going to ask the Historic Site Committee, it would seem to me to make sense to have potentially the trail go somewhere through that property, whether it's through the front, through the side so that instead of today the trail essentially comes up Nevins, which doesn't have a sidewalk, then goes to Florendin, which does have a little bit of sidewalk, and then onto the actual path. I would want to see, could we bring that path down through this property and out to wherever it crosses over from Hosmer.

Bryan Powers:

If I may, because I have been studying a lot of this from Google Earth and so forth, the Lehigh Valley Trail, yes there's a crosswalk on Lehigh Station right here. There is a section about 100-150' of sidewalk on the south side that gets over to Hosmer's currently. So there is a path to get along Lehigh Station Road and across Lehigh Station Road.

Supervisor Schultz:

I agree. What I'm asking for is right now it's on Florendin right in front of people's homes. One of the things I would want to take a look at,

when you're redoing this area – for instance you talk about the evergreens – what would be really nice, if it's possible, would be two rows of evergreens with the trail going down the middle so it also provides some screening for the trail for the people in that house. So again, another benefit to the people in Florendin, if it's not going to be – obviously I'm not trying to put a huge burden of cost on you, but it would be something to take a look at – could we move that trail a little bit into this wooded buffer that you have here and then have it essentially come out so that it's not on Florendin itself.

Bryan Powers:

Sure, we'll look at that.

Supervisor Schultz:

Yes, that's all I ask. If you take a look at it and again if we can do it in a cost effective manner. One of the things we take a look at, usually when we take a donation of land there's typically a community benefit type arrangement. I would take a look at that we would have discussions as to whether those trail improvements would essentially count as that community benefit. Questions/comments from the rest of the board?

Councilman Adair:

Just a couple of comments, and maybe one more or less statement, but Mr. Supervisor, if you could forward those plans along to the rest of the Town Board as well.

Supervisor Schultz:

Oh, I'm sorry I thought I copied you in on it.

Councilman Adair:

I don't remember receiving them, but if I did, then I apologize, but certainly would like to see them. Bryan, I also wanted to point out that both Rob and I had the opportunity to go to the Historical Society Committee last night where they did talk about fixing or attempting to fix some of those drainage issues, which is what they also talked about at the previous meeting, the neighbors meeting, that we were at. So I know that they are working on that as well.

The one question I do have that I think we talked about last night again, was the neighbors meeting. Do you know . . . I know we talked about scheduling that. Do you know if any outreach has been done regarding that, or . . .?

Bryan Powers:

We have a mailing that was going to go out. It's either going out tomorrow or Friday. The mailing, I believe, was for a meeting on Thursday the 28th at 7:00 p.m.

Councilman Adair:

Great, and that'll be at your property?

Bryan Powers:

Maybe, since my back is to the audience, you could get a raise of hands to see who is here from Florendin and who would be interested in attending this meeting, and if 7:00 p.m. on the 28th is not good, we can do it earlier in the afternoon. We can do it at the Lehigh Park

Community Center, we can do it out at the backyard of the historic house if people don't want to come to a formal meeting. But maybe just, since we've got everybody in the room, we can . . .

Councilman Stafford: March 28th at 7:00 p.m. you said currently?

Bryan Powers: Currently.

Supervisor Schultz: So I know there's at least one individual from Florendin, I don't know . . . are there a number of individuals, if you'd raise your hand if you're here at Florendin. I see three, four.

Councilman Stafford: Five.

Supervisor Schultz: I guess with a show of hands, would that timeframe he suggested work? Could you please repeat the time and I would say the clubhouse makes the most sense.

Bryan Powers: It's Thursday the 28th.

Councilman Barley: At 7:00 p.m.?

Bryan Powers: At 7:00 p.m.

Supervisor Schultz: That's a day after our next Board meeting.

Bryan Powers: Is it?

Supervisor Schultz: Yes.

Bryan Powers: I was trying to get . . . by the time the mailing goes out from our office, it's not going to get in their mailbox until probably Tuesday and knowing people's calendars I wanted to get it out there a little bit. Maybe the question is do we need another neighborhood meeting or have I done it justice tonight?

Councilman Adair: I think, based on the previous neighborhood meeting we had here, because of the weather that evening and because of people's schedules, I think Mr. Reilly offered up another one to those folks. I certainly would like to give them the opportunity to at least have that. I don't know what the date should be as far as the scheduling goes, but whatever works most reasonably with the neighborhood, I certainly don't think the 28th is unreasonable.

Bryan Powers: I can—

Supervisor Schultz: It's not unreasonable, I only bring that up because we wouldn't be able to vote on it on the 27th.

Councilman Adair: No, I understand that.

Supervisor Schultz: I just wanted you to be aware of that. If that's not a problem with your timeframe then the 28th is fine.

Bryan Powers: Well, I can back up to that Tuesday.

Supervisor Schultz: Tuesday would make more sense.

Councilman Barley: The 26th?

Supervisor Schultz: That's fine. Is that an issue with anybody from Florendin? I see a couple thumbs up. Okay, so Tuesday the 26th.

Councilman Stafford: 7:00 p.m.

Bryan Powers: 7:00 p.m.

Supervisor Schultz: Does that conflict with the Planning Board?

Peter Minotti: (From audience) Yes it does.

Councilman Stafford: We've got an issue.

Bryan Powers: Is that the Planning Board we're going to be at for . . . ?

Supervisor Schultz: I don't know, are they on for that, does anyone know, are they on for that? Oh, you're not on that Planning Board so it's not a conflict for you then. I just wanted to make sure they weren't on the Agenda and they didn't have to be in two places at once.

Bryan Powers: You mentioned, Mr. Supervisor, that you sent our drawing to the Zoning Board and Planning Board.

Supervisor Schultz: I just wanted to get their opinion as to, because again they do a lot more with this site plan work than we do, I wanted to get their input as to whether my idea – I'm new to town government, I've only been in this job for 14 months.

Bryan Powers: You're doing a heck of a job.

Supervisor Schultz: Thank you. Can I quote you on my campaign stuff?

[Laughter]

Bryan Powers: I don't live in the town unfortunately.

Supervisor Schultz: I'm just kidding. Anyway, what I would like to see is that I would like

their opinions because they do this – essentially for a lack of a better way to put it – that’s what they do for a living so I wanted to make sure that my idea held water, essentially.

Bryan Powers: Because this is our child, if you will, we like to follow it around where it goes so I would expect we’re going to be at the Zoning Board meeting maybe to help them to understand this and probably the Planning Board meeting.

Supervisor Schultz: So I’m not asking them to make a decision, I’m asking them to say, does it make sense, and then what would happen is if they say yes, then you would get on their agenda to get that variance. Again, you’re going to be on the Zoning Board, excuse me, the Planning Board’s agenda at some point. But I mean, before those can happen, the whole SEQR process has to run through as well.

Bryan Powers: Correct.

Supervisor Schultz: So again, it’s a little ways off, but I just want to make sure that we aren’t going down a path that they say, “What are you nuts? You can’t have a setback that small.” Then obviously my thought wouldn’t work and we would then have to look at, do we want to somehow re-subdivide that parcel. Again, my preference would be not to re-subdivide the parcel and just change the setback. But I want the – for a lack of a better way to put it – I want the professionals to weigh in on that. But they’re not voting on it, they’re just letting me know whether it’s a reasonable request, essentially reasonable thing to do.

Bryan Powers: That’s fine.

Councilman Barley: Mr. Powers, I wanted to say thanks for redoing the drawings and moving everything up. We were out pretty late last night with the Historic Committee meeting. You did a good job getting that off the property line. Thanks a lot.

Bryan Powers: You’re welcome. Thank you.

Councilman Stafford: What year did you say you acquired that piece? I didn’t write that down.

Bryan Powers: The Chu property?

Councilman Stafford: No, the first Phase when you had to go—

Bryan Powers: 2007 I believe it was.

Councilman Stafford: Okay.

Bryan Powers: It was Autumn Woods, I think, was the prior development. They took all the trees down so I don't know how it was Autumn Woods, but.

[Laughter]

Supervisor Schultz: It's like I always picked on the Preserve because they call it the Preserve and the first thing they did was mow down all the trees. I said the only thing they preserved is their bank account.

Councilman Stafford: Thank you.

Supervisor Schultz: So I'll ask, first of all I'll ask for comments from the Historic Site Committee and then we'll open it up to the general public.

Michelle Lebel: (From audience) Do you need a ruling from us or a decision about the sidewalk prior to our next meeting?

Supervisor Schultz: Just . . . I wouldn't say a ruling, just in terms of whether you think—

Gary Goodridge: (From audience) An opinion?

Supervisor Schultz: An opinion as to whether you think it's reasonable or not but then, in other words, if and when, if we do go that route and they do the final drawing, I would want you to, yes, then render a ruling or official opinion on that point, but just—

Gary Goodridge: (From audience) Bryan explained the drawing last night and I really appreciate what you guys went through to do this. We had made our determination that was given to the Town Board based on the original plans we had been given.

Peter Minotti: (From audience) Why not use the microphone?

Supervisor Schultz: Yes, thank you.

Gary Goodridge: (From audience) Oh, I'm sorry.

Peter Minotti: (From audience) It's right there.

Supervisor Schultz: Do we want to get out Mr. Microphone too?

Rebecca Wiesner: We can, he's behind the—

Gary Goodridge: Becky, over there?

Supervisor Schultz: Oh, it's over there. Go ahead, that's fine.

Gary Goodridge: Gary Goodridge, I'm with the Henrietta Historic Site Committee and I

just wanted to thank Bryan and his crew. They met with us last night, we made some suggestions, and they've done an outstanding job making some changes. I'd explained to him that we made our present recommendation to the Town Board, which you have the letter of, based on the original plans, which we were deadset against because it did create a problem with a historic house. He appears to have taken the suggestions in hand and I'm with you, we do not want to subdivide that. It just is a problem. I truly like the idea of what you're suggesting and they're suggesting with the trail. I believe that we can work that out. The question was, part of what you're doing would happen before our next meeting so we can give you an opinion but as far as the official recommendation, the way the code is written, we cannot do that until we have the actual plan.

- Supervisor Schultz: Yes, and right, so exactly, that wouldn't happen, basically that's during the planning stage that's after . . . we still have, before we ever get there, we still again have to finish SEQR, have to finish the rezoning, have to issue a Special Use Permit, and then they get to Planning Board. It's a ways off, so that's not an issue.
- Gary Goodridge: Okay, so just our opinion on what we think about the setback and the—
- Supervisor Schultz: Few of you are of the opinion that you think it's a good idea and obviously you'd need to see the finished plan before you could approve anything, then we're fine.
- Gary Goodridge: You're a part of the committee, you get to say "yay" or "nay."
- Supervisor Schultz: Not in these meetings, she likes to stay neutral.
- Gary Goodridge: Well then we don't have a quorum, so then I cannot answer.
- Supervisor Schultz: You don't need the Committee. I'm asking for individual opinions.
- Gary Goodridge: I can give you an opinion, okay, I can give you an opinion that we were discussing as he was explaining. We like the idea of the continuation of the trail—
- Supervisor Schultz: It's worth pursuing, let's put it that way.
- Gary Goodridge: It's worth pursuing. I really liked your idea with the double set of trees. That being said, that could potentially move the trail inward a little bit and we could discuss that with Bryan and his people, that part of it, because that does not, in my opinion, impact the historic site.
- Supervisor Schultz: Great. Okay.
- Michelle Lebel: (From audience) Our next meeting's on the 9th.

Supervisor Schultz: Next meeting's on the 9th, okay.

Councilman Page: Thank you.

Supervisor Schultz: Any other Historic Site Committee input? Hearing none, I'll open it up to the public. First up is Carl Palmer. Again, please state your name and address.

Carl Palmer: Good evening. My name's Carl Palmer and I live at 37 Florendin Drive. For the past 46 years I've lived in a house at 37 Florendin Drive. I knew when I bought my house that there was a possibility of houses being built behind my house, however never did I ever think that there would be apartments and townhouses back there because the land was zoned for houses. There is no mistake made when the neighborhood was originally zoned and there is sufficient land elsewhere for high density, residential use. The fact that the applicant wants to develop this specific piece of property is not enough to justify a zone change, since there is no need to rezone the neighborhood.

When I bought my home I never thought there would be apartment buildings with hundreds of people looking into my backyard. Presently there are 48 apartment complexes in Henrietta today. I would think that that is a significant number of apartments and no more need be built in the Town of Henrietta presently.

Going from the presentation that was made in June and the PowerPoint that is on the website, a significant percentage of commercial properties are vacant, underutilized, or in disrepair. Reuse needs to be encouraged. By changing the zoning you are not encouraging the development of these properties. Some of those vacant buildings are: Macys, Sears. Those could very easily be turned into apartments. We wouldn't have to pave more of the land, we wouldn't have to put in sewers, we wouldn't have to put in electric. People could walk to Wegmans and get their groceries.

One of the key objectives I noted on the PowerPoint was to minimize the impact of development, especially new multiple dwelling development. The uses permitted by the proposed zone will result in significant loss and diminish of natural and scenic areas. There would be no need to destroy the habitat for animals and birds. Walking along the Lehigh Trail, which abuts this property, would be greatly changed. Instead of trees that provide habitat for animals, you would see apartments and townhouses. I would venture to say the vast majority would rather see deer, rabbits, goldfinches, and other birds that presently live along the west side of the trail.

A few years ago the developer, Mark IV Construction, proposed that they add apartments, to the Town Board. Since there was great opposition from the neighbors to the proposal, the developer took it off the table.

Further recommendations I've found on the PowerPoint presentation were to adopt Design Guidelines and Standards for all development including landscape to enhance the character and beauty of the community. Have you been over there? Have you seen the pine trees that they talk about planting? They planted them in 2010, they were this high. They're now maybe seven or eight feet tall. That's not going to block . . . and they're spaced out 12-15' apart. That's not going to block out people.

A couple of the other things that I noticed were dead trees. The last go around we had with this I said that those ash trees would be dead. I have photographs to prove that's exactly what's happened. I would say probably 75% are completely dead and the rest of them are dying. The ash borer has gotten to them. To say, "Well there's a barrier, there's trees there," there aren't trees there. They're dead trees. They'll all be cut down.

The idea of putting up pine trees sounds like a good idea. I had eight pine trees on my property when I bought it. You know how many pine trees I have on my property now? One, which I planted. The rest had been planted by previous owners. They blew over or they got diseased. This past spring I had my biggest tree, which was probably 40-45' tall, on the east side of the house so the house protected it from the wind, over it went. Pine trees have shallow roots. They don't do well in the wind, they fall over.

You talked about drainage. I decided that I wanted to put some posts in my garden so I bought a drill and I drilled a hole. I drilled it about 18", maybe two feet. That filled up with water and stayed completely full of water for a whole year. So that area back there is really, really, really . . . the water table's right there. So you need to address that.

I guess I just think that the Town made a zoning concern back when the Town was young, and I see no need to change it, so I urge you not to change it and leave it as it is. Thank you for listening.

Supervisor Schultz: Thank you.

Councilman Barley: Thanks, Carl.

Councilman Stafford: Thank you, Carl.

Supervisor Schultz: Is there anyone else who would wish to speak? *(Pause, no response)*
Hearing none . . . I assume we want to keep this open.

Councilman Barley: Someone else is coming up, it looks like.

Councilman Stafford: Hang on.

Supervisor Schultz: Oh, I'm sorry.

Unidentified Speaker: (From audience) Can I speak on a different topic?

Supervisor Schultz: Not just yet. Let us finish this public hearing. Okay, so sounds like we want to keep this open for . . . so we're going to keep the public hearing on this rezone open so that we can bring in additional information next week and if anyone, again as we start to see the updated plans, if people want to comment on that they'll be able to do so.

Executive Session – Potential Legal Matter

Councilman Adair: Mr. Supervisor, I'd like to make a motion to have the Board move into executive session to discuss a potential legal matter.

Councilman Page: I second the motion.

Supervisor Schultz: I assume it's going to be without me because it's the motion that's on the subject that I have to recuse myself?

Councilman Adair: That is correct, yes.

Supervisor Schultz: While you're doing that I might read my recusal statement.

Councilman Adair: That might be a good idea. Becky, can we have a vote on that to move into executive session?

Supervisor Schultz: Do you need a vote? I thought you just needed a second.

Rebecca Wiesner: Usually we just do motion/second.

Councilman Adair: Great, thank you.

Supervisor Schultz: Motion/second is all that's needed.

[Councilmen Page, Adair, Barley, and Stafford leave for an executive session with Town Attorney Donald Young at 8:03 p.m.]

Supervisor Schultz: So while they're going off into executive session, I'm going to read my recusal statement. As you are aware, there is an intended Article X vote regarding the Dollar General coming up. Unfortunately, due to recent circumstances, I am going to have to recuse myself from the process. As you may also be aware, I am a big proponent of preserving historic properties whenever possible.

As part of that I have reached out to a couple of individuals who had a desire to attempt to save the former Cartwright's Inn, restoring it to a restaurant, possibly with a microbrewery attached. I've been talking to them about ways they might be able to make that preservation a reality and they have been in discussion with the realtor trying to come up with

a price that can work for both parties. It was during those discussions that the realtor said to those individuals that the Dollar General deal for the southern parcel going through could affect the price of the northern parcel that they were looking to acquire. I had already been considering whether I needed to recuse myself anyway, but the instant that statement was made I had no choice, even though I'm not involved in the actual business entity that they are looking to form. I would rather err on the side of caution and propriety and am therefore recusing myself from the further process.

So I've asked Rick Page, the senior most Town Board member, to lead the discussion for that portion of the meeting. So when we get to the actual Article X discussion, I will actually be leaving the meeting and Rick Page will be taking over, and that's part of why we have it last because I'm literally going to leave.

While we're waiting for them, if anybody wants to talk about the – I know there was a lot of excitement online – if anybody wants to talk about the idea of what would happen with the Cartwright's Inn, I can relay . . . we actually did a tour of the facility, we brought the Historic Site Committee into the building, and talk about what we're looking at and that type of stuff. Is there interest in that?

(Members of Audience respond "Yes.")

Supervisor Schultz:

So basically we went into the building and it's in rough shape. There weren't any critters in there, I think it was too cold for them. But I swear, if anybody, if you know any aspiring young filmmakers who are doing a thing on the zombie apocalypse, it would be a perfect house to use because everything was just left there, including there were coffee grounds in the coffee maker and there were . . . it was just, bottles, everything was just left there. The problem is, of course, it's been without heat. Now the water was shut off but basically what happens is you get frost heaving of the foundation so there's portions where the foundations cracked. The basement is a lake. Now again, it was cold enough when we were in there, thankfully, because I didn't have hip-waders on, so we were actually able to ice skate across the basement, seriously. There's an area that I think might have been a cistern, based on looking at the depth of it.

Unfortunately there's some stuff that had happened that . . . like in the kitchen, if you look at the history of the building, there were two gable portions of the building. It was an interesting construction because the two gables come down and they meet. Well where's that water and snow going to run? They later filled in a bridge in there, but that's sort of the original building and there's been a lot of add-ons after that.

The discussions, the plan was to tear off all of the add-ons because those are the parts that are in the roughest shape, including all the kitchen stuff. The kitchen . . . it was scary to walk through. There was just a bunch of bizarre things done, like you see there's a loading dock

outside. Well if you go inside, two to three feet inside that loading dock is a brick wall for a freezer. The loading dock didn't even make a whole lot of sense to me, but the plan would be to remove all of that and then essentially replace it, we would fill in any basement underneath there, and do a stone on slab kitchen just to the west side. Right now the kitchens are kind of oriented east to west, and they extend all the way to the property line. We would turn it so that they are parallel to those two gables with the reasoning being we could then do an exit from the parking lot out onto Erie Station Road so that anybody having to go northbound on West Henrietta, instead of having turn where the road narrows down, they could turn right onto Erie Station and make a left at the light.

Again, their plan is to almost rip it down to its post and beam construction because it's in some rough shape. The issue is some of those beams have been carved into. So in one place in the kitchen they apparently obtained a nice steel-top table and they cut away half of the beam so that they could install it. The big question is going to be what the structural engineer has to say. So at some point, assuming they're able to come up with a good price for the property, they're going to need to have a structural engineer come in and say, "Here's what's going to have to be done to make this building sound." Before you do all the interior remodeling, it's a question as to whether those post and beams are solid.

With that said, if you know anything about the old post and beam building style, it is very solid as long as, again, there aren't enough of, hopefully there aren't too many of those situations where you find these beams cut out. There was another one, we did find one in the ceiling and sure enough that's the one area that the ceiling's having a problem. When they put in the sprinkler system, a beam was in their way so they just removed it.

So, those things will have to be replaced. What I had suggested to the individuals, what they're looking to do, they're going to figure out how much they can afford. It would actually be cheaper for them to knock the thing down and build a new building, but that's not what we want to do here, so the idea is, one of the things we've been talking about is, we would figure that out, we'd bring the structural engineer in and then they would determine what that difference is. We would also reach out to the state and federal for any assistance. There are funds that help restore historic properties. But then we would essentially set up a GoFundMe page with the idea that people who want to see it restored . . . so let's say it's going to cost ¼ million dollars to do all the restoration and they can get assistance and their own money for \$125,000, then the goal would be to do a GoFundMe for the other \$125,000.

Unidentified Speaker: (From audience) I'm in.

Supervisor Schultz: I think there would be a lot of people who would be in. Some other good news, we did find the recipe for the clam chowder.

[Laughter]

Supervisor Schultz: Apparently one of the chefs at the Moose Lodge, it was their mother's recipe. So we basically said if you're going to bring Cartwright's back you have to have the clam chowder. So what they're looking at . . . so one of the other things we did, they wanted to do this little microbrewery on the side next to the kitchen so I had told them, based on the stuff from the Historic Site Committee, some of the things that had existed at that property in the past was a blacksmith shop and a carriage house. They loved the name of "Carriage House," they're looking up, they might go with Carriage House Brewer at Cartwright's Inn, would be what they would name it. So the restaurant would essentially be Cartwright's Inn, the brewery would be Carriage House Brewery.

I don't know whether they're going to have the ability to do this, but I'm going to try to help them get there. I'm not . . . as I said, I don't intend to be part of the entity that does it, but I would help them secure a mortgage, potentially even holding the mortgage myself if they can't find a bank willing to go on something essentially that risky and see if we can get this done because that's been a part of this community for so long, it would be a real shame to see it collapse. But because of those efforts, as I said, I'm going to have to recuse myself from the Dollar General discussion and stuff.

[Councilman Page, Adair, Barley, and Stafford return with Town Attorney Donald Young.]

Councilman Adair: Did you just finish that statement?

Supervisor Schultz: No, while we were waiting I . . .

Councilman Adair: I'd like to make a motion to move back into the regular Town Board meeting of March 13 of 2019, noting for the record, that no actions were taken in the executive session.

Councilman Page: I'll second that at 8:13 p.m.

(Meeting re-opened at 8:13 p.m.)

Supervisor Schultz: Did we want to now go into the . . .?

Councilman Page: I have an announcement to make.

Supervisor Schultz: Sure.

Councilman Page: I'll be conducting the process of listening to the speakers regarding the

Dollar General. I need to make an announcement – it is the last thing on the agenda – but right now I need to make an announcement that due to the fact that the Town Board has not had a chance to review the applications submitted by the Dollar General. In addition, there is a very important long form EAF that has not been submitted as part of that packet, we will not be voting tonight on Article X. But, because everybody came here and your input is vital to our final decision, we will still hold public comment as we want to listen to what you have to say on how you feel about that application. So the fact that we can't vote tonight isn't a major issue for you, but because you took time out of your personal lives to come here and be with us, we will still conduct it in that manner. Thank you.

INTRODUCTION OF, PUBLIC DISCUSSION OF, AND ACTION UPON RESOLUTIONS, LOCAL LAWS, AND ORDINANCES

Supervisor Schultz: Thank you. Do we want to get through the resolutions and then just go right to that?

Councilman Page: Yes.

Councilman Adair: Yes.

RESOLUTION #6-105/2019

On Motion of
Supervisor Schultz

Seconded by
Councilman Page

WHEREAS, Ryan Buick, has achieved the rank of Eagle Scout in Boy Scout Troop 332, and **WHEREAS**, to achieve that rank, Ryan earned merit badges in 24 different disciplines, including Engineering and Welding, and

WHEREAS, Ryan is a senior in the Rush-Henrietta Senior High School where he is an accomplished Level 10 USA Gymnast competing statewide in competitions and played for the varsity lacrosse team, and

WHEREAS, Ryan works for the Town Recreation Center teaching gymnastics as well as the "Little Ninja" program, and is also active in his local church youth group at St. Marianne Cope Parish at Guardian Angels, and

WHEREAS, Ryan constructed, installed, and stocked two outdoor libraries for Heritage Christian Services – one at the Pieters Family Life Center and the other at Springdale Farm.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board joins the Loyal Order of the Moose Family Center 2290, sponsors of Troop 332, in recognizing the achievement and honor of Ryan Buick in attaining the rank of Eagle Scout.

Supervisor Schultz: Any further discussion? I'll open by noting that his Eagle Court of Honor is on Sunday, March 24, 2019 at 12:30 p.m. at the Moose Family Center. So if anybody knows Ryan and wishes to see him walk and receive the rank of Eagle Scout, they'll be there and I intend to be there

to present him with this certificate with the resolution. Any other discussion? Hearing none, please call the roll.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

RESOLUTION #6-106/2019

On Motion of Councilman Page	Seconded by Councilman Adair
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BE IT RESOLVED, that the Director of Finance be authorized to pay the following bills payable:

Exhibit A	Bills Payable dated 3/13/2019	\$ 1,130,125.76
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Supervisor Schultz: So I'll just open discussion. As I have been saying every month, the first meeting is when all the Library bills come due, so I think \$75,000 of that were Library bills. Or \$750,000. What's an extra order of magnitude amongst friends. That's why we have accountants around.

Councilman Barley: Yes, that's true.

Councilman Adair: A couple of them.

Supervisor Schultz: A couple of them, yes. Any other discussion? Hearing none, please call the roll.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye

Carried

RESOLUTION #6-107/2019

On Motion of Councilman Adair	Seconded by Councilman Stafford
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WHEREAS, on or about February 22, 2019 the Town of Henrietta received an application (the "Application") from Bohler Engineering MA, LLC on behalf of Chick-fil-A, Inc. concerning 1.34 acres of leased land zoned Commercial B-1 at or about 100 Marketplace Drive, tax map parcel #162.09-1-1.11 (the "Property"), said property being owned by Benderson Development Company, LLC, and

WHEREAS, the Application seeks relief in the form of Special Use Permits for the construction of a Chick-fil-A restaurant and drive-thru; the application will also require Site Plan Approval from the Planning Board from the same (the "Action"), and

WHEREAS, in accordance with the SEQR regulations, the Town Board wishes to serve as Lead Agency to conduct a coordinated environmental review of the Action.

THEREFORE, BE IT RESOLVED, that in accordance with SEQR, the Henrietta Town Board hereby declares its intent to serve as Lead Agency to conduct an environmental review of the proposed Action.

BE IT FURTHER RESOLVED, that the Lead Agency request an EAF be filed and circulated with the involved agencies designated in the request.

BE IT FURTHER RESOLVED, that in absence of objections to the Town Board's intent to serve as Lead Agency within the thirty day period following notification, the Town Board of the Town of Henrietta shall proceed to assume Lead Agency status.

Supervisor Schultz:

Any discussion? One thing I'll add, there's people who have been asking the question about the effect of the close of the Chili's restaurant next door. I reached out – I think it was yesterday – to Benderson Group and asked them that if that restaurant is still vacant when the grand opening occurs, whether we could extend the, I wanted them to consider extending the drive-thru lane through that parking lot instead of down the center aisle and that way it will have less impact on the other businesses in that plaza as well as using the parking there for additional parking in the event that it overflows during the grand opening.

I will note that saying that, they haven't been approved, none of that. One of the things that I had the discussion with them as well. I'm reiterating my stance that without a left turn arrow, I at least will be voting no on Chick-fil-A because when you look at their Traffic Impact Study and the number of cars that would come out at lunchtime, assuming even just one third of them had to go west bound on Jefferson, without a left turn lane, it would take about a half an hour to get through that intersection, which is clearly not acceptable. I actually think it needs one now, irrespective of whether Chick-fil-A comes in. The good news is that Chick-fil-A will force the issue.

The Traffic Impact Study is currently in the hands of our consultants at Barton & Loguidice, as well as in the hands of the New York State DOT so we should hopefully be hearing from them soon. Again, to mitigate the traffic, in my opinion, that left turn lane signal needs to be there. Any other discussion? Hearing none, please call the roll.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Martin Road Park Tennis Court Resurfacing, as per cited plans and specifications on file, in the manner provided by Law.

Supervisor Schultz: Any discussion? Hearing none, please call the roll.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye
		Carried

RESOLUTION #6-110/2019

On Motion of
Supervisor Schultz

Seconded by
Councilman Page

WHEREAS, funds have been budgeted in the Capital Project Fund for the new Henrietta Public Library to provide for the purchase of digital equipment, and

WHEREAS, the Town received quotes, some of which are on State Contract (software for the corresponding equipment, labor and configuration), and some of which are not on State Contract, and

WHEREAS, the Town received two quotes for the items not on State Contract meeting our specifications of which the difference in the proposals was \$38.21, and

WHEREAS, Fusion Digital is procuring all items on State Contract (software and labor), and for efficiency purposes, the Town wishes to accept Fusion Digital's quote for the items not on State Contract in the amount of \$38.21 greater than the second quote.

THEREFORE, BE IT RESOLVED, that Fusion Digital, 300 Main Street, Suite 4-104, East Rochester, NY 14455, be hereby awarded the contracts for purchase and installation of the digital equipment and software in the new Henrietta Public Library for amounts not to exceed \$134,927.58.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Fusion Digital in an amount not to exceed \$134,927.58 upon completion of the receipt and installation of all equipment and software, receipt of all proper documentation, and acceptance by the Director of Information Technology.

Supervisor Schultz: So I'll open discussion by noting that the portion that wasn't on State Contract was only – I think it was in the \$12,000 range so it was under the \$20,000 and did not need to go out to a separate bid. The stuff that's on State Contract, because it's on State Contract, it doesn't have to go out to bid. So even though the total amount is above the amount normally that requires a bid, this one does not, it just required competitive quotes. Any other discussion?

Councilman Barley: That was well explained.

Supervisor Schultz: Thank you. Hearing none, please call the roll.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye
		Carried

RESOLUTION #6-111/2019

On Motion of	Seconded by
Councilman Page	Councilman Adair

WHEREAS, the Town conducted a comprehensive study into the growth and development in a corridor along East River Road, authorized on September 16, 2015 by Town Board Resolution #17-226/2015, and completed and provided to the Town of Henrietta in April 2018, and

WHEREAS, the Town incorporated this study into the Generic Environmental Impact Statement under the State Environmental Quality Review Act (SEQR) that was performed as part of its Comprehensive Land Use Plan Update, calling for the collection of SEQR Mitigation Fees with respect to traffic in the East River Road Corridor, with a finding statement passed by Town Board Resolution #5-103/2019 on February 27, 2019.

THEREFORE, BE IT RESOLVED, that the Director of Finance be directed to create a Miscellaneous Fund – ERR Mitigation (CMM) for East River Road Mitigation to receive any SEQR Mitigation Fees paid for traffic mitigation in the East River Road Corridor, which funds will be used in connection with improving the East River Road Corridor, pursuant to an Intermunicipal Agreement with the County of Monroe.

BE IT FURTHER RESOLVED, that the Supervisor be directed to begin negotiating an Intermunicipal Agreement with the County for presentation to the Town Board for final approval.

Supervisor Schultz: Discussion?

Councilman Adair: Mr. Supervisor, just a quick question on this, and you may or may not have the answer to it. I know you haven't started conversations with the County. Any anticipated timeline as to when that would . . . how long those conversations could take place and then subsequently when we would be able to receive money into that fund?

Supervisor Schultz: So the money – to receive the money into the fund doesn't need the Intermunicipal Agreement.

Councilman Adair: Okay.

Supervisor Schultz: To spend money from the fund requires Intermunicipal Agreement, so we'll be able to, once this passes we'll be able to accept money in – and there's a developer who's currently waiting to contribute I think it's

\$91,500. As far as how long it will take, we were, we haven't started the discussions, but we had some preliminary discussions – myself, Chris Martin, and Monroe County DOT folks – and we have a good working model for how it's going to layout.

My thought is that with just us – those people I just mentioned – we would lay out essentially what I'll call the business terms. We'll get the County to sign off of it and then we'll go to the attorneys to basically put it in a form. So our Town Attorney will make sure the Town's interests are protected; the County Attorney will make sure the County interests are protected. I don't expect it will be a whole lot of hold up from the DOT. I don't know what other county agencies will have to sign off on it.

Councilman Adair: Sure. Great, thank you very much.

Supervisor Schultz: Any other discussion? Hearing none, please call the roll.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye
	Carried	

RESOLUTION #6-112/2019

On Motion of
Councilman Adair

Seconded by
Councilman Stafford

WHEREAS, the Town's needs for GIS services has increased significantly over the years, and **WHEREAS**, the Town and C.W.A. Local 1170 have agreed upon the title of GIS Operator A to be added to Group 9 of the Wage Table.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta has created a second level of GIS Operator with requirements for advanced skills and leadership of other GIS personnel.

Supervisor Schultz: Any discussion? Hearing none, please call the roll.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye
	Carried	

RESOLUTION #6-113/2019

On Motion of
Councilman Stafford

Seconded by
Councilman Barley

BE IT RESOLVED, that the employees on the attachment, Exhibit A, be hired.

BE IT FURTHER RESOLVED, that the employee changes on the attachment, Exhibit B, be made.

Supervisor Schultz: Any discussion? Hearing none, please call the roll.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye
Carried		

RESOLUTION #6-114/2019

On Motion of
Councilman Barley

Seconded by
Supervisor Schultz

WHEREAS, on February 27, 2019, the Town Board approved the 2019 update to the Comprehensive Plan as well as Local Laws which amended the Henrietta Town Code to address multiple dwellings, mixed-uses, and other related topics, and

WHEREAS, the updated Local Laws reference design guidelines which provide guidance on building and site design and construction, and

WHEREAS, the Town’s planning consultant, EDR, has developed a “Design and Development Guide” to address such design guidelines.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby adopts and approves the “Design and Development Guide” for purposes of providing design guidelines as per the recently adopted Local Laws.

Supervisor Schultz: Discussion? Hearing none, please call the roll.

Duly put to a vote:

Councilman Page	voting	Aye
Councilman Adair	voting	Aye
Councilman Barley	voting	Aye
Councilman Stafford	voting	Aye
Supervisor Schultz	voting	Aye
Carried		

[Town Clerk’s Note: Resolution #6-115/2019 was pulled from the Agenda, therefore no

action was taken.]

Supervisor Schultz: Okay, so as much as it's going to pain me to not be part of the discussion—

Councilman Barley: We feel for you.

Supervisor Schultz: —I am going to have to leave. It was especially painful the one portion of the meeting at the Workshop meeting where I had to sit there and listen and couldn't speak and I know that some of you have known for me for years out there, know that I love to speak. You've probably gathered that just from tonight. But I'm going to leave you in the capable hands of Mr. Rick Page and look forward to hearing how it turns out, although I guess we're not voting tonight. Did you want to stay there or did you want to move to this chair?

Councilman Page: I'm fine.

Supervisor Schultz: Here, you get the gavel because you're going to have to close the meeting.

Councilman Barley: Don't be nervous, Rick. Take your gavel.

Supervisor Schultz: Thank you all and glad to see large numbers here.

[Supervisor Schultz leaves and Councilman Page takes over as chair of the meeting.]

PUBLIC PRESENTATION/MISCELLANEOUS COMMUNICATIONS: DOLLAR GENERAL APPLICATION

Councilman Page: For the reasons stated before, I'll reiterate that we will be taking no action tonight as far as voting on the Article X agenda item, but we will continue by asking our applicant to do a short presentation on the proposed site plan for the Dollar General store and then we will listen to very interestingly your comments and concerns. I have seven people signed up to speak, but anyone else who wishes to speak after these seven speak can raise their hand and we'll call you up. Reminder we need your name and address so we have it on record, and we'll proceed as soon as our applicant is ready.

Dan Griffiths: You guys want copies of the elevations that we gave you the other day?

Councilman Stafford: Yes, we'll take them.

Councilman Page: Start with your name and affiliation, please.

Dan Griffiths: Yes. Dan Griffiths from Griffiths Engineering, here on behalf of Capital

Growth Buchalter for the proposed Dollar General. What I'd like to do is give you an overview of the site plan to start with, if that's okay.

Councilman Barley: That's great.

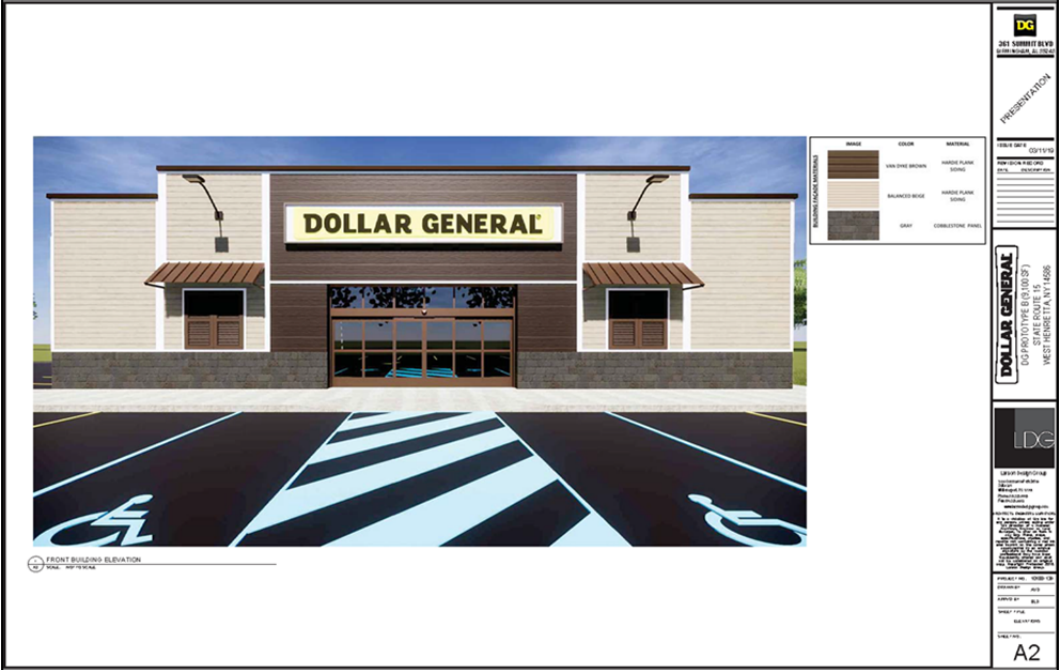
Councilman Page: Yes.



Dan Griffiths: I'll take you through the access to the site, go over the site layout plan, what we're looking to do: stormwater and soil erosion control as well. First off, the access is going to be off of West Henrietta Road, as you can see over here. As long as I'm standing over here . . . so access is going to be right out of the main road here into here and it's about a 1.7 acre lot that we're looking to develop into a 9,150 SF Dollar General store. Right now we're looking at 30 parking spots that are in there with eight additional ones here for the landbank. So basically it's laid out as a typical Dollar General for 30 parking spots, a WB-67 tractor trailer to go in, back up to the loading dock, and not hit any parking spots. It's about 1.7 acres of a site, 0.89 of disturbance is what we're looking at.

We did lay it out to meet all the setback requirements on the site. I know there was a concern in the back where we did do some plantings and landscaping for privacy. Again, some in the front that Chris wanted there. As far as stormwater management for the site, everything's going into catch basins onsite to a Downstream Defender for water quality and to StormTech chambers and then out the back for water

quality. Then soil erosion control has to meet the New York State standards for soil erosion control with inlet protection and silt fence. Again, we basically worked close with Chris to come up with the requirements for the site development of this site. We did coordinate all the utilities with local utility companies as well.



- Dan Griffiths: And then on to the building. I'm Dan Griffiths, we did the civil engineering for the site. Larson Design Group did the building. I'm here just to show you what they had done and right now the proposed building is with the dark siding and the beige and it is a Portland cement based siding with fibers in it. It's pretty good material, it's not just a cheap siding. Something they did say to me that they were going to throw out there, they would allow the panels to go to a cobblestone look to give it a more historic look. They did say they would be willing to do that, so I wanted to throw that out.
- Unidentified Speaker: (From audience) Can you actually hold the microphone near your mouth so people can hear you?
- Dan Griffiths: Yes. Sorry.
- Unidentified Speaker: (From audience) Can you hold it up so we can see what it looks like?
- Dan Griffiths: Yes.
- Councilman Barley: I wish we had it on the projector.
- Dan Griffiths: For the elevation view that's on here, everything you see in dark brown and light tan is basically a Portland cement siding with fibers in it. They went with the brown and the beige and then the bottom it's like a cobblestone panel. Something they did say they would change to is to go to the more cobblestone look that's historic; they do have panels that are like that and they'd be willing to change it to make it fit more in with the neighborhood and the panels. That's just something they said they would do.
- I know from the typical, normal Dollar General sites . . . they had meetings here and they tried to listen to what they said to make it look more historic and they're working in that direction. I guess they said they're still willing to go to the cobblestone look with the panels and different things is that's what people want. I just wanted to let you know that. Larson Design Group did this as well.
- So there's different elevation views, as you can see here. That's the one side view, and again the stone look could change to make it fit in. If anybody didn't see the site plan itself I could go around and show a closer view if you want to see if closer. Basically you have access into the site here. Thirty parking spaces and then a truck loading dock and then the store here. It's a pretty straightforward store. With the required landscaping that the Town wanted in the code as well. So that's the summary of what the job's about.
- Councilman Page: Thank you.
- Dan Griffiths: You're welcome.

- Councilman Page: I would ask Ethan Hackett to come up and be the first speaker, please.
- Dan Griffiths: Do you want me to stand off to the side?
- Councilman Page: Sure.
- Ethan Hackett: Ethan Hackett, 5758 West Henrietta Road. One thing that's noticeably absent from those designs is the reflection of my house and Betty's house in any of those windows. My family and I, we live directly across from the proposed location and when I think about historical properties, a few thoughts come to mind. Places of rich historical value inevitably have a way of awakening our curiosity and planting questions into our hearts and minds as to the life of those who lived before us.
- When we bought our house, we were told that our house was built in 1862. My initial reaction was to ask, what was happening in 1862 and what was life like back then? Now whenever I mention the age of our house, I say that it was built in 1862 as in one year into the Civil War, someone decided, "Hey, now's a good time to build my house." It's not just knowing that it's historical that adds value, it's doing life in these spaces that serve as an intimate reminder of how similar we are as people and also how far we've come.
- When I'm working on a project in our house, I save the old fashion nails to use as hooks on our wall and while I use an air compressed nail gun to hang the new shiplap. Or when I'm working in our yard, planting our new apple tree, I'm simultaneously learning how to tend to the other ancient apple tree that previous families used to harvest from, taking time to prune it, to practice grafting in hopes of restoring it. We also discovered a cherry tree that was covered in vines last summer. There are wild black raspberries and we've added gooseberries, elderberries, and four varieties of apple trees. The richness is in the history of our property has taught me so much. We're in a way changing each other.
- The reason I say all this is that we have historical properties and as we make a point to preserve them, then hopefully they will awaken the same curiosities and questions about our lives of those who came before us, or how our lives fit into their story, especially in the case to the history and the Town of West Henrietta.
- Will the Dollar General cause anyone to take a moment and reflect on what was there in that space before? Will it encourage us to wonder what did the lives of those living here look like? It wouldn't. It would lose the richness that the historical property has to teach us and connect us to the lives of those who came before us.
- In addition to that, we have a letter, a recommendation, from Charles Vandrei from the Agency of Historic Preservation Officer, Division of Lands and Forest from Parks and Recreation, and he said that, "We note that the subject property is located immediately adjacent to 5711 West Henrietta Road, which is individually eligible for listing in the State

and National Registers of Historic Places. Additionally the property is within the boundary of a potential West Henrietta Historical District.”

I began petitioning along with the Historical Society to collect signatures from people who are opposed to this and I think that that speaks volumes as well. We have a total of 669 Henrietta signatures. Of those, 422 were from West Henrietta specifically. I went out petitioning and many other people did, and one of the things that really surprised me was how open people were to inviting me into their house and willing to sign this and excited about signing it because they agreed with the desire to preserve the Cartwright Inn and that whole location within our town. I will give these to you guys.

Councilman Barley: Thanks.

Councilman Page: Give it to the Clerk.

Councilman Stafford: Thank you.

Councilman Page: Thank you very much. Rand Joannette is the next speaker.

Rand Joannette: Hello, my name is Rand Joannette. I live at 719 Erie Station; I own the property adjacent to the Cartwright Inn – I own the west, it’s on the west and north side kind of like a T-lot. I’m totally against the Dollar General being there. I believe that it’s going to bring down the values of my property and it’s not going to be aesthetic to my neighborhood and my property is going to be on the historical list in five years. That’s basically all I have to say.

Councilman Page: Thank you very much.

Councilman Stafford: Thanks.

Councilman Barley: Thanks, Rand.

Councilman Page: Is it Karen Ager? If I pronounce your name wrong, I’m sorry.

Karen Ager: It is correct, I’m Karen Ager. I live at 76 Alton Way in West Henrietta.

Councilman Page: Karen, could you . . . we’ve got microphone problems tonight.

Karen Ager: Is this better? Okay, I’m not used to this sort of thing. I didn’t even know I could speak tonight so I’ve kind of cobbled together what I wanted to say. But I wanted to go on record that I am not hoity-toity and I’m not highfalutin, as I have been accused on our neighborhood site because I want to preserve the historical nature of our neighborhood because it matters. People say, “Oh, you don’t live in Pittsford,” and I say, “Well, I know that. I didn’t want to live in Pittsford, I wanted to live in West Henrietta and that’s what matters to

me." So what happens here matters to me and I think my neighbors.

I'm not in favor of the Dollar General. It's not necessary. Retail does not do well in that area. Restaurants, yes, services like vets, nail salons, but if a pharmacy and a liquor store cannot make it in that cute little Erie Station Plaza, and that's in a Commercial District . . . I don't want another concrete carcass left. They're all over Henrietta, we don't need anymore. There's lot of places . . . oh, this is beautiful . . . on West Henrietta Road there's so many gas stations that sell milk, anything you want really and I suggested to somebody on the neighborhood site that when I run out of milk, I just run out. Well they wouldn't go to those crappy gas stations and he's accused me of being hoity-toity. The fact is, if you need milk, you can go to a gas station and buy milk.

But the fact is, if you want to live out in a rural area, like we chose to, you can't have it both ways. You can't say, "Oh, I don't really want to live in Henrietta because this is too busy, there's light pollution, there's traffic, I need to live outskirts and then complain because there's no conveniences. You can't have it both ways. Either you want to move out or you want to live in.

So, I'm against it. The buildings, the old buildings are lovely. The early school that now the post office and the volunteer Fire Department . . . I mean it just fits. It's beautiful and I'm sorry if I'm a little fancy pants, but I really think it ought to stay nice. Okay, I guess that's it. Thank you.

Councilman Barley: Thank you, Karen.

Councilman Page: Thank you.

Councilman Stafford: Thank you, Karen.

[Applause]

Councilman Page: You did a great job, Karen, and I just wanted to share, for general information, that it is zoned B-1 Commercial. The current zoning is B-1 Commercial.

Karen Ager: (From audience) Seriously?

Councilman Page: Yes, ma'am. I just wanted you to know that. It's one of the things we have to consider, and I just wanted to share that with you. It always has been.

Karen Ager: (From audience) My bad.

Councilman Page: No, not bad at all, just sharing information.

Karen Ager: (From audience) Thank you.

Councilman Page: Okay, Carl Palmer, please.

Carl Palmer: My name is Carl Palmer; I think you know that.

Councilman Barley: Yes.

Carl Palmer: I live at 37 Florendin Drive, and if I had a guitar and could sing, I would sing this to you, but I don't have a guitar and I can't sing, so I'm going to read it.

Councilman Barley: We want to hear it too.

Carl Palmer: My kids say, "Dad, sing far, far away, please."

Councilman Page: Your son told me you couldn't sing worth a lick. He told me.

[Laughter]

Carl Palmer: That's true.

Councilman Page: I know him so . . .

Carl Palmer: When I heard about this vote or this proposal, it reminded me of a Joni Mitchell song, and that song was "Big Yellow Taxi." I'm only going to read you a few of the lyrics, but I think it says what we need to say and it is:

They paved paradise and they put up a parking lot with a
big hotel – beige Dollar Store – and a swinging hot spot.

Don't it always seem to go that you don't know what
you've got until it's gone.

They paved paradise and put up a parking lot.

That's all I have to say. I think that's all I need to say.

Councilman Page: Thank you, sir.

Carl Palmer: Thank you.

Councilman Stafford: Thank you, Carl.

[Applause]

Councilman Page: Next is William, is it Hackett? William.

William Hulett: (From audience) Hulett.

Councilman Page: Hulett, I'm sorry.

William Hulett: My name is William Hulett, I live at 16 Pecos Circle, West Henrietta, basically just down the hill from Cartwright's. I loved it. I moved in here in '87 with the kids and now all of a sudden I find out somebody wants to put a commercial building in – a large commercial building in – that's going to have a major impact on traffic and the way our little area of West Henrietta is going to be. We right now are a very nice hamlet, very quiet, we trust our neighbors. Quite honestly people, when I heard you weren't going to do the vote tonight, which we just heard just a little bit ago, it's basically . . . what's going on? Because Dollar General knew they had to have all their paperwork in so we could take our vote and you're telling me they didn't get their paperwork in, right?

Councilman Page: There's two issues. They got their paperwork in a month ago and we were not presented the paperwork. The second thing is the long EAF form is not in, and so the two together prevented us from being able to take action. We also, as a Board, have done a significant, spent hours and due diligence making sure that we consider all the aspects of the proposal, which includes the elderly lady who wants to sell her property because she's retired and is struggling financially. We also have to listen to the people who live in the neighborhood. So we have these open talks and let you present to us your issues. We're a little embarrassed that we didn't get the paperwork on time, most of it. But at the end of the day, we couldn't have made a decision without the long form EAF anyway. That's our bad, and I just wanted to explain to you what happened.

William Hulett: Fair enough.

Councilman Barley: Honestly, William, even with all that stuff being in—

William Hulett: Just pardon me, I've only got one good ear, I apologize.

Councilman Barley: Honestly with all that even being in, we may have had to speak about it anyway.

William Hulett: I'm sorry, may I come . . . I didn't hear. I don't know what you said.

Councilman Barley: I said that even if all that paperwork was in and we had it, we may have had to think about it anyway. We may not have voted tonight anyway. So we're glad you're here to let us know what your concerns are.

William Hulett: Okay.

Councilman Page: This is the first time, I believe, that we've had to use the Article X vote

on an application. It's brand new to us and rather than to rush through it and miss out on some information or facts that we may need to consider, we have no problem with taking an extra two weeks or three to make sure that what we do is in the best interest of the people in Henrietta but still legal as far as the potential seller, the potential buyer, and everybody who's affected by this. I apologize for that but I think taking more time is going to work out better allowing us to make the best decision.

William Hulett: I'll have to accept that. I have no choice. I thank you very much.

Councilman Page: Thank you. Is it Paiolo?

Paolo Hoang: (From audience) Paolo.

Councilman Page: Very good, thank you.

Paolo Hoang: My name is Paolo Hoang, I live at 20 Pecos Circle, directly behind where that tractor trailer would be pulling in to unload their vehicle. My wife and I bought the property in 2016 and as a buyer it was difficult for us because it was a seller's market. The weekend we went house hunting with our realtor, luck was on our side and we found the home that we purchased in a cul-de-sac – very quiet, very private. We have three children: two girls and a boy. We love the fact that we can allow them to go outside, play in the cul-de-sac, not worry about any traffic, any foot traffic, any vehicles pulling into the proposed Dollar General. It just seems as if this was to be accepted, our luck just ran out and now we just have to be concerned with the type of traffic that's going to be associating with Dollar General. That's pretty much all I had to say.

Councilman Page: Thank you.

Councilman Barley: Thank you, Paolo.

Councilman Page: The last person signed up to speak is Mary.

Mary Hartshorn: Mary Hartshorn, 64 Cattaragus Drive, not remotely near where this thing is coming in, but I'll cut to the chase right away and say I'm firmly, 100% against it. That's for a number of reasons. My first question is why? We have something called Family Dollar over in one of the plazas around here and if I'm not mistaken there's a similar outfit over in Rush, which is not real far from where I live. Basically they specialize in inexpensive goods; nothing wrong with that, which are cheaply made. We could debate that. But I guess my question is, when is enough enough?

There's got to be a balance between development on the one hand and quality of life on the other hand. Judging by the number of people here

tonight, many of us who have hung on like grim death to the end of this very long meeting, we obviously value the lifestyle to be found living in Henrietta. The more we develop, the more we put up parking lots, the more we increase traffic congestion, the more we have people as customers, many of whom are probably fine but some of whom we don't know their backgrounds, and if we have children in the area, etcetera, etcetera. I'm not even talking about historic preservation here, which is also an important value, however, I'm talking about quality of life.

Since I can't tell the distinction between a Family Dollar and a Dollar General, it's much of a muchness as far as I'm concerned. I go back to my original question, why? Thank you.

Councilman Page: Thank you.

[Applause]

Councilman Page: Just to add to the information, one of the things that you stated, the Town Board has no ability to encourage or have people decide when they sell their land nor can we control in any way in America, who purchases it, witnessed by the four pharmacies that we had on East Henrietta Road and Calkins Road. I've listened to your comment, but I need you to know we have no ability to determine who buys and what they put there, as long as it fits within the zoning, it meets the criteria for the Planning Board. I just wanted to enter that into your comments. Thank you very much. Now, if there's anybody else, yes, who didn't . . . first hand up was right here, and we'll get to everybody eventually.

Mary Morich: My name is Mary Morich, I live at 42 Telephone Road, West Henrietta, just around the corner from the Cartwright Inn. I've lived in that house for 32 years. Within that period of time, I was a member of a now defunct group called Henrietta Neighbors United. At that time we were organized and concerned about the fact that there were a number of empty buildings in Henrietta at the same time that a lot of big box stores, which are now Lowe's and so forth, were coming in to Henrietta and insisting that they had to buy up farmland because they had to have their own store because they couldn't possibly go into the big box stores.

Okay, we lived through that, we came up with the last Comprehensive Land Plan in which Henrietta said that basically what was south of the Thruway was going to be residential building. Okay, now I know you're working on another one. Well here we are, 2019. Big box stores are going out of business because mortar stores are no longer viable with the online stores. The area that this dollar store wants to come in to, right now I know it's zoned Commercial, I knew that, but it's basically residential with the exception of the Cartwright Inn and that empty lot and then I don't know, that old telephone building, maybe there's

business going on in there, I don't know.

However, I do not believe that a big box store like that belongs in a residential area in the middle of those houses. I also support the fact that it's a historic area. So I am firmly against that big box store coming in because who knows, down the road apiece, just like Rite Aid, just like Marketplace Mall, just like Chili's, they are not going to go out of business and we're going to be stuck with that skeleton in the middle of this residential area. So I am firmly, firmly against that building going there. By the way, there's a beautiful little lot down the road next to McDonald's that's available.

[Applause]

Mary Morich: And that's where it belongs. But watch it come to West Henrietta.

Councilman Page: Thank you.

Councilman Barley: Thanks, Mary.

Councilman Stafford: Thank you, Mary.

[Applause]

Councilman Page: She pointed her finger at me just like my mother used to do.

[Laughter]

Helen Dobesh: My name is Helen Dobesh and I live at 10 Pinon Drive, West Henrietta. I was reading the other day in the Wall Street Journal and I don't know if it's any relation to Dollar General, but a number of the Dollar Tree stores are going out of business. They are taking them out of business because they're not doing well. How long will this place last in our residential neighborhood? That's all I have to say.

Councilman Barley: Thank you.

Councilman Page: Thank you, Helen.

Betty Wynne: Hi, I'm Betty Wynne, I live at 5742 West Henrietta Road directly across from Dollar General. The first thing I thought of when I got the letter from Henrietta was the traffic that it's going to be. I mean it's only two lane drive there in front of that and I have seen accidents coming from the south down the hill. I've seen three accidents in two years when it's wet, snowy. I'm really concerned about the traffic situation. How are they going to turn off? Some days I can hardly get out of my driveway now and this is going to present more. I'm definitely against it. Thank you.

Councilman Page: Thank you.

Councilman Stafford: Thank you.

[Applause]

Councilman Page: Christine.

Chris Northrup: Hi, I'm Chris Northrup, I live at 5782 West Henrietta Road, which is directly across from the old Halloran Funeral Home up on the hill, the little old yellow house that used to be called the Goldman house, then it was the Cenzi house, now it's the Northrup house. We've been there 27 years and I am 100% against this business going in. To be clear, it's a historical site, correct, that would have to be subdivided for this to be allowed? Is that correct? So you would have to approve it to be a part of a historical land to be subdivided. Is that correct? You would have to vote on that?

Councilman Page: Not exactly. Our attorney can jump in here if I make a mistake, but the Article [X] vote is a vote that the Board has to take when an application is made in a Historical District or in an area that has a historical residence or building. The vote would be that, based on a review of the proposed application, the Board says that it can go forward where they present final plans, it goes through SEQR determination but no, it doesn't require a subdivision. It just requires the Board to approve the application going forward because it's within a Historic District and next to a historically designated structure.

Chris Northrup: Okay. I'm still against it, either way.

[Laughter]

Councilman Page: Oh I was just trying to help.

Chris Northrup: No, I know, and I needed that clarification. I'm also concerned, just like others have stated, that if for some reason, like many of the poor stores are just not doing well and they go out of business, I am worried about the old Halloran Funeral Home, which I know is now residential but probably zoned Commercial. Then once that Dollar General comes in, Halloran's going to sell and he can do whatever he wants and we'll have more commercial. So I am really concerned about not just the immediate but the whole potential area. Maybe that microbrewery doesn't go in and that thing sits there forever, but somebody else wants some other monstrosity there. No way, not in our little hamlet of West Henrietta. Thanks.

Councilman Page: Thank you.

Councilman Stafford: Thank you.

(Applause)

Councilman Page: I just want to say, for the record, that I'm not sure if Halloran is part of the district. I can't remember in my mind where the boundary was.

Councilman Adair: I don't think they are.

Councilman Page: I'm not sure that, I think it may stop at Halloran's northern most boundary, but I'm not sure. I don't want you to assume that it's commercial just because I nodded my head when you said it was, and I want to go on record with that. Who's next? Yes, sir.

Ken Breese: Good evening. I'm Ken Breese, 59 Alverstone Way, which of course is a neighborhood that abuts there. We've been there about 20 years. There's been an awful lot of really good information that's been provided here from my neighbors and residents and this particular parcel being that we have residential east of it, we have residential west of it, and one house down we start having residential to the south of it. So, as we look at what we're going to do with the parcel, we do need to also consider the health of the retail industry that we've heard, also.

I've been in that industry for about 30 years now and it is suffering. We see stores closing all the time, so if we're going to start to make exceptions, or in this case, vote on an Article X, we have an ability here to make this project not happen with that article. It's a tool we have to use. Now maybe there's a little legal fuzziness to it, maybe there's some issues with how that's written, but there's an obligation to the five or six or seven hundred people who have spoken out and written and signed petitions, rather, to use those tools that we have. That's all I got.

Councilman Page: Thank you.

Councilman Barley: Thank you.

Councilman Stafford: Thank you.

[Applause]

Gary Goodridge: (From audience) I can answer that question, if you'd like.

Councilman Page: Okay.

Gary Goodridge: (From audience) Of whether or not Halloran's is a designated historic site farther south by three lots than (*inaudible*).

- Councilman Page: Correct.
- Gary Goodridge: (From audience) And the proposed district that the State is proposing incorporates *(inaudible)*—
- Councilman Barley: You want to use the microphone, Gary?
- Gary Goodridge: (From audience) Oh, I'm sorry. I didn't know I was up *(inaudible)*.
- Councilman Page: Well, everything you say is recorded and put in—
- Gary Goodridge: Okay. The question was asked about Halloran. The Halloran property is not a . . . by our present historic site maps, Halloran is not a designated site at the moment, but it does fall within the West Henrietta Hamlet Historic District because we have historic sites farther south than Halloran's. I can't tell you the name off the top of my head, I can tell you the address – 5863 – her house. Oh, no?
- Unidentified Speaker: (From audience) 45.
- Gary Goodridge: Oh, okay, whoever is 5863. So to answer that question, yes there are.
- Councilman Page: Thank you very much.
- Unidentified Speaker: (From audience) The question was whether it was zoned Commercial.
- Councilman Page: Yes, that was the question.
- Sam DeSalvo: Hi, my name is Sam DeSalvo, 876 Middle Road. I remember one other Board meeting here where there was a lot of people present and there was a little confusion as to how people felt about the situation because not everybody could get up and speak. But I was just wondering whether show of hands here, how many people are absolutely against this project? [*Approximately 80 people raised their hands.*] How many people here are for the project? [*No one raised their hands.*] So could the record show that maybe out of the eighty people here that there was nobody in favor of this project.
- Councilman Page: By you speaking those words it will be part of the record. It will be transcribed as you said it.
- [Applause]
- Sam DeSalvo: That's why I said it.
- Councilman Stafford: Thank you, Sam.
- Councilman Page: That's why I asked you to come to the microphone because it is

recorded and transcribed in the written word. Next, please.

Lindsey VanVliet: Hi, I'm Lindsey VanVliet, I live at 35 Reagan Way. I bought my house three years ago, I have a three year old son. We purchased this property because of the quiet neighborhood. You mentioned tractor trailers coming. Are they pulling off the side of the road, backing in, preventing school buses and other cars and maybe people, children walking? I'm a school teacher, I drive that route every day, there are many buses, lots of children walking, riding bikes. All I predict, all I see in the future, are accidents. I see children getting hurt or dying because of a giant tractor trailer polluting that family's back yard where their three children are playing.

In addition to the Cartwright . . . in addition to the restaurant as well, there are going to be trucks, deliveries, all sorts of pollution, lots and lots of traffic preventing residents from getting to where they need to go. This shouldn't happen at all. It can go somewhere else. There are plenty of other places. Next to McDonald's where there are very wide roads for tractor trailers . . . is the tractor trailer going to back in?

Dan Griffiths: (From audience) Am I allowed to talk?

Councilman Page: Sure. Go to the microphone, please, or use that one, yes.

Dan Griffiths: The tractor trailer—
Lindsey VanVliet: It goes in regularly, it doesn't matter, you're right.

Dan Griffiths: When we deal with these projects we have to deal with the DOT with what's called a PERM 33 Process and what we have to do is we use software that's called AutoTURN that models the WB-67 truck so that it maneuvers into the site, cannot touch a parking spot – that's Dollar General's thing – and it will back up into here and then leave the site. We actually have to show the maneuvers with the software to the DOT and also the Town Engineer.

Lindsey VanVliet: So it can only enter from that—

Dan Griffiths: Basically it has to maneuver in the road, into the site, it has to back up to the loading dock and leave. It cannot unload in the road, it has to be able to maneuver correctly or they won't give you a permit; DOT's very strict with that.

Lindsey VanVliet: So it can turn right or left into the property, you're saying? It won't come from the south? It will come from the north? Or either way it doesn't matter?

Dan Griffiths: Directions – it has to be modeled both directions.

Lindsey VanVliet: Okay.

Dan Griffiths: DOT's very strict with what they want.

Lindsey VanVliet: Regardless, it still presents a very terrible traffic issue. Thank you.

Councilman Page: Thank you.

Joseph Galley: I just wanted to repeat something that somebody else—

Councilman Page: Name and address, please.

Joseph Galley: Oh, Joseph Galley, 59 Overland Trail, West Henrietta. I've been a resident there about 47 years and I like the small town atmosphere of West Henrietta. About a week ago I was reading an article in the Democrat and Chronicle that said the Dollar Tree, which I believe now owns Dollar General, was closing a large majority of the Dollar General stores. So how long is this store going to be open? I don't know.

Councilman Page: Thank you.

Joseph Galley: Thank you.

Councilman Stafford: Thank you.

Councilman Page: You're welcome.

Karen Barrows: Hi, my name is Karen Barrows and I live at 252 Alverstone Way and I have major concerns with the traffic. I've already been rear-ended twice at the intersection of Tree Top Lane and West Henrietta Road. One car is completely gone because of that. Trying to make a left from Tree Top on West Henrietta Road, or from Salzer Heights, a left onto West Henrietta Road, sometimes is very difficult. Sometimes making a right from Tree Top onto West Henrietta Road is difficult especially if it's the winter time. I-390 sometimes gets closed in Avon and all of that traffic comes down West Henrietta Road, so I just wanted to say that I think traffic is a terrible concern and I've experienced that already.

Councilman Page: Thank you.

Councilman Stafford: Thank you.

Councilman Barley: Thanks, Karen.

Councilman Page: Seeing no other hands, oh, I'm sorry, there's one, two.

Clark Cianfarini: Hi, Clark Cianfarini, 112 Alton Way. Has there been any kind of traffic study done for this? I mean a lot of people are bringing up traffic concerns, I'd like to know, can there be a traffic study done? This is a

busy area to begin with.

Councilman Page: To the best of my ability . . . do you want to answer? Go ahead.

Dan Griffiths: There's been some traffic counts done by GTS Consulting, that's Gordon Stansbury who does that for a living, and the DOT requests that. Then we're following the PERM 33 Process that they want us to follow. If during the process they request us to go into a more in-depth study, we follow the procedures that they give us.

Clark Cianfarini: Okay, can the Town also do an independent study?

Councilman Page: Most of the time, rather than do an independent study, we have consultants, specialists that we send their information to and ask them to read it from our eyes. Sometimes the applicant eyes form it to fit them. I'm not saying you did, but sometimes that happens. But yes, we do analyze it and if it's significant, we use an outside consultant that we have.

Clark Cianfarini: Okay. What kind of impact for Fire House No. 2, that's nearby, I mean if there's an increase in traffic, for example, will there be a safety issue for them responding to calls and being able to get out of the firehouse and get to the calls?

Councilman Page: I'll ask our Attorney, but I think if this were to go another step, I think a SEQR would address those things. Go ahead.

Donald Young: Yes, I think these kinds of questions are going to be kind of difficult to answer at this stage because this vote is about the historic nature and whether . . . the Article X vote is about the historic impact of the proposal. There are other procedures to deal with some of the technical issues you're raising about traffic and things like that, such as SEQR. In addition to this vote, if the project were to move forward it would need, I believe, site plan review with the Planning Board, so they're going to be looking at some of the things that you're talking about as well. But right now this Board, this step here is really to analyze the historic impact of the proposal.

Clark Cianfarini: Okay. I wanted to get some clarification on what you said earlier. You said the Town doesn't control who sells their property, who buys their property, so I guess what is the benefit of this hearing if you're saying . . . to me I took that as you can't do anything, you're not going to do anything, so what is the benefit of hearing what we have to say? Can you give an incentive to them to relocate to a different location like near McDonald's?

Councilman Page: The benefit of listening to you is to seek the information that's been shared with us, which could affect the way we vote on the Article X. If we vote it down, it's done. What I meant to say was, if someone has a

piece of land to sell in Henrietta, we can't get involved in whether they should do it or not and if somebody wants to build a pharmacy right across the street from where somebody else built two other pharmacies, and it's zoned, and a pharmacy is a permitted use, we don't have any, we can't say, "Oh, you can't do that because we already have two pharmacies there." That's what I meant to say. That's what I meant to share with you.

- Clark Cianfarini: As citizens, can we request the Town to look at rezoning to residential, or something like that? This parcel, if this Article X doesn't go through?
- Councilman Page: No, we can't do that.
- Councilman Barley: You could request it.
- Councilman Page: I mean we could consider a rezoning but we consider that pretty seriously and especially in a historically designated district that has historical structures on it. Board members, jump in here, Don?
- Councilman Barley: I don't want anyone here to think that we don't care about 600 signatures, 100 people in the room, all this is important. We'll take all this in consideration as we move forward to see if this is going to pass or if it's going to be dead. So what you're saying is very important. I don't want you to think you came here and we can't do anything, that was just a misunderstanding.
- Rick Cenzi: (From audience) Well doesn't the Board represent us?
- Councilman Barley: Yes.
- Rick Cenzi: (From audience) Who do we have to go to?
- Councilman Barley: That's what I just told you. You're coming to the right place.
- Rick Cenzi: (From audience) *(Inaudible)*
- Councilman Adair: Sir.
- Rick Cenzi: (From audience) Nobody wants this store.
- Councilman Barley: You have to wait and then . . . you can come up after him and put your name and address. You're excited, huh?
- Councilman Adair: So I think where this all started from was after the group had come in to talk to the Town about the potential of putting a Dollar General store at this particular location, in looking closer at the code, because it's rare that we have development on a historical site in the town, a designated historical site in the town. Between the Town Attorney and the

Planning Board Attorney, they had reviewed the Zoning Code, recognized that we had an Article X – and I don't remember the actual section of the code that it's in.

Councilman Barley: §295-39.

Councilman Adair: §295-39 where we could actually deny the ability for somebody to build on a historical site because of that designation. So subsequently, the Town Board got together with the Supervisor and that's when Steve determined that he needed to recuse himself because of the ongoing issue he has with the Cartwright Inn, and the four of us have picked up, what I'll call the ball from here to try and move it forward.

This all happened, as everybody in this room knows, we weren't even talking Article X on this until, I'll say ten days ago and maybe a little bit longer than that, but not much longer than that. So the four of us, not being our full time job, have kind of gotten thrust into this project on a full time basis to try and get up to speed where the Supervisor and the Town staff had already been up to speed and now we can't, because of the issue with the Supervisor, we can't talk to him about this particular project.

So we've been spending time not only with the Town Attorney and with the Planning Board Chairman, who's the Deputy Supervisor, as well as the Engineering Department, as well as the Historical Site Committee to kind of look at this whole thing over the last – I'm going to call it six or seven days now – to try and get up to speed and it was this evening where we had recognized that the application, the Town Board hadn't seen and I think Rick had mentioned earlier, that the application was submitted to the Engineering Department a month or so ago, and that's what the Engineering Department and the Deputy Supervisor, and Supervisor were looking at. But the four of us hadn't gotten involved in that because they were shepherding it through the process.

Now we've stepped in to fill this void that was created when Steve had to step away, so the potential became, we now have to understand all of the things that are going on. The Dollar General folks came in on Monday night to our Workshop. That's the first time we've met with them, as a Town Board, to ask some questions of them on the property and what they were doing, but really the nature of this hearing is really on the historical piece of it and not on a lot of the topics that you bring up, as the Town Attorney's pointed out. If we were to say, with the Article X vote, yes you can move forward with that, now all those other issues come up: the traffic issues come up, the fire safety, the water issues. All those kind of things that go into a SEQR review, and they go back to the Planning Board to get their application approved from that perspective. They go to the Zoning Board to get the variances that they would need from a buffering and the zoning perspective.

So there's a lot of steps either way and what we decided tonight, literally tonight, was we needed to hear the comments of the 100+

people supported by the 600+ signatures that you've all gathered over the last two weeks because we know that's how long you've been working on this as well, from a signature perspective. So in respecting the efforts that the Town folks have put forward regarding this, we wanted to get that – all four of us – wanted to get that input tonight. The last thing we wanted to do was say to you, "We're not going to vote on this and we don't want to hear your comments." That would have been a waste of time and if you've been in this room before when we've had some rather spirited discussions, that's pretty uncomfortable sitting up on this side. So we wanted to take that pause to be able to say, we need to hear all this feedback, regardless of whether it's about the Article X or not, we need to hear it because that all factors into the process that we're going through as we look at the application, we discuss with the Town Attorney and we move forward on this Article X issue. There will be more to come from this Town Board, but we certainly, as many people as can speak this evening, we want to hear from.

Clark Cianfarini: Okay. One last question. Whose responsibility was it to fill out the form that has not been submitted yet? Is this the Town Board's responsibility or Dollar General's?

Councilman Adair: That would be Dollar General's.

Clark Cianfarini: So why have they not filled it out if they've known this for at least a week?

Councilman Adair: We don't have an answer to that because we just found that out tonight, so we haven't officially asked that question. I'm sure we'll find out tomorrow morning why it hasn't, and it will probably be in somebody's mailbox by midday tomorrow, is my gut feeling regarding that. It's probably an oversight.

Clark Cianfarini: For the record, that seems in bad faith to me. Thank you.

Councilman Adair: Certainly. Thanks.

Councilman Page: Thank you.

Councilman Stafford: I just want to add, go on something Scott said, just so everybody knows, we really care and want to hear the residents' input. There was a little talk that we weren't going to have the meeting but by all means we wanted to hear what everybody here had to say tonight.

Councilman Barley: And I especially want to hear the gentleman in the cap.

[Laughter]

- Councilman Barley: It's your spot now. I knew you were going to be trouble. You might as well come on up.
- Councilman Adair: Just for the record, Rob, I'll note that the gentleman in the cap wants to remain anonymous this evening.
- Councilman Barley: I've got a few caps like that, come on up. Come on up, tell us your name and address and what you want to say.
- Rick Cenzi: My name's Rick Cenzi and I really don't need this microphone. I live at 5796 West Henrietta Road. When I first found out about this, I was just livid. A store in a hamlet right where we are just doesn't belong. It doesn't belong there. There's other places for that to go. The other thing I think about too is about what the other folks said. If this place empties out and becomes a vacant building, what's next? What are we going to get a laundromat, an arcade? What could happen there? And then this is what I'm thinking about down the line. That's pretty much it, but I thought . . . I'm looking at you guys and it's the four of you that are going to vote? What if you have a 2-2 vote? Who's going to come in?
- Councilman Barley: Don't think we haven't thought about that. We'll make sure that doesn't happen.
- Rick Cenzi: But I look to you guys to work with us, the people. We don't want it. We don't want to see it. Nothing against the dollar store, but we don't want it in our hamlet and there's 100 here, but there's another 700 or more out there and not just in our area, all around Henrietta. That's it guys, thank you.
- Councilman Page: Thank you.
- Councilman Stafford: Thank you, Rick.
- Councilman Barley: Thank you, Rick. Appreciate it.
- [Applause]
- Councilman Page: With everybody's permission, and I think you for all your comments and everything you've told us, and we'll, I know, you know what, I'm going to get my money's worth. I'm going to do this once and we'll end the night with our historic preservation leader making a final statement, as I see no other hands raised.
- Councilman Barley: Oh, Kitty's got a question too.
- Kathleen "Kitty" Englert: Hi, I'm Kathleen Englert from Brooks Road, West Henrietta and I'm on the Historic Site Committee and I've been here since 1956 and I've

seen a lot of changes. When I moved here there was nothing. Farmland, lots of farmland and since I've joined the Historic Committee it's been a pleasure trying to save some of these areas and people are happy with it. The dollar store I love. You can go in there and buy \$15 worth of stuff and come out with \$15 worth of stuff, but it belongs in a commercial place and it doesn't belong in the middle of a historic district.

Councilman Page: Thank you.

Councilman Barley: Thanks.

[Applause]

Councilman Page: And our final appearance.

Gary Goodridge: Again, my name is Gary Goodridge, I'm with the Henrietta Historic Site Committee and I've been asked to talk a little bit about the history because this meeting tonight is supposed to be about the history, not necessarily about the Article X, although I will be mentioning that.

The four corners of the West Henrietta and Erie Station Road is a location of some of our earliest development in our town. Andrew Williams who owned this particular piece of property was here in the 1840s. He actually had a wagon and carriage shop on that until the 1870s, on that blank piece of property that's there now. Clearly the buildings in this four corner area here are, many of them, in excess of 100 years old. Our town is extremely fortunate, and even New York State has come forward to state the State SHPO, the Historical Preservation Office, has stated that this particular hamlet is very unique and we're lucky to have it.

Sorry, I went off track here for a second. The historical character of this hamlet is a very valuable asset and the town has known that for quite some time. In July of 1979, via Town resolution, the four corners were added to a historic district. The Cartwright Inn, the West Henrietta Baptist Church, St. Mark's Church, and it doesn't look like it now, but there was another building just a little bit the other side of St. Mark's, which was the parsonage for St. Mark's – I believe it's 839 Erie Station now.

So moving forward from that point, in December 2002, the Town Board again, through resolution, designated the West Henrietta Historic Village Preservation District. At that time in February 2003, 11 additional properties in the hamlet area were added – we now have 15 – and from the State SHPO letter, they have 25 they consider. So believe me, we will be looking at those.

The 2011 Strategic Update that the Town did, said 76 or 75% of our residents voted yes to supporting design guidelines for the character future development of the hamlet. An evaluation done this past February by SHPO designated 25 properties, and I know you guys have

seen this because I forwarded this stuff along to you. They said that this Historic District appears to meet the State and National Registers in areas of architecture and social history. The proposed district is mainly residential properties with two churches – and obviously we know there's three there now – a Grange Hall, which is now a church, and a former tavern, which everybody knows is Cartwright's. The period significance is directly tied to the hamlet's development during the 19th century. As a community reflecting the vernacular styles of Federal, Greek Revival, Italianate, and Queen Anne. We've got a whole bunch of different styles that are in a very close proximity.

In another letter we just recently received, they are quoting that this subject property, and I know this was brought up earlier, but this subject property is located immediately adjacent to 5711. It's not even adjacent, it's on the same piece of property and honestly I'm not quite sure how we could have that and the building without a subdivision. That one's, I'm having a little trouble with because it would be two different tax accounts. The way Chapter 295, Article X, 295-39 reads, you can't subdivide a historic site. It's the opinion of the Henrietta Historic Site Committee – we've had meetings on this – that every effort should be made to protect the historic properties in the West Henrietta hamlet, including the Comprehensive Plan of the Town says the same thing.

The proposed store does not meet the visual character or the goals described in the Comprehensive Plan. It's our opinion that the location of the Dollar General on this property would be detrimental to the effect of the historic character of the West Henrietta hamlet. So therefore, the Historic Site Committee, under Town Code Chapter 295, Article X, Section 295-39, is recommending and proposing that this be denied. Thank you.

Councilman Barley: Thank you.

[Applause]

Councilman Page: I'd like to thank each and every one of you for coming tonight and sharing your thoughts. It's an essential part of us doing our job and conducting an important vote.

COMMITTEE REPORTS

Councilman Page: Do we have any committee reports as our last item? I have just one to share. I am the liaison to Henrietta Fire and Henrietta Ambulance and I attended the Commissioner's meeting last night at Henrietta Fire and often people will comment about the taxes and the rise of taxes for the Henrietta Fire District. But I want to share with you we had a very serious event happen at the old Schlegel building where we had some deadly gas. A construction company was in there helping remodel –

there's a new owner that goes there – and we had a hazmat release of very dangerous gas that prevents people from accessing oxygen into their lungs. Because our Henrietta Fire Department has exceptional training, and I can't tell you the name of the device, but it has something to do with a carcinogen, that their training – and they got to the scene so quickly – saved the lives of two people who ended up in intensive care. The doctors told us that if they had waited five more minutes or if they didn't have that training, two people would be dead. It's nice to know we have them on our team.

Councilman Barley: Yes, thanks Rick.

[Applause]

Councilman Page: Anything else?

Councilman Stafford: Thank you, Rick.

Councilman Page: Thank you.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Barley, seconded by Councilman Stafford and was adjourned without objection at 9:35 p.m.

Respectfully submitted,



Jennifer L. Miranda
Deputy Town Clerk and Receiver of Taxes