

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON APRIL 17, 2024 AT 6:00 P.M.

RESOLUTION #9-146/2024 To adopt Local Law No. 2 of 2024 to amend the official Zoning Map of the Town of Henrietta to rezone approximately 127 +/- acres of land located on the east side of Middle Road and north of the New York State Thruway I-90 from Residential R-1-15 to Industrial.

On Motion of Councilmember Bellanca

Seconded by Supervisor Schultz

WHEREAS, the Town of Henrietta is proposing to rezone approximately 127 +/- acres of land located on the east side of Middle Road and north of the New York State Thruway I-90, as indicated on a drawing entitled "Middle Road Rezoning, To Industrial" prepared by the Town of Henrietta dated March 12, 2024 and revised April 9, 2024, to be rezoned from Residential R-1-15 to Industrial; and

WHEREAS, the adjacent parcels to the north and west are all currently zoned Industrial, and the 2003 Update to the Town's Comprehensive Land Use Plan indicates that this area should become Industrial; and

WHEREAS, the Henrietta Town Board duly called for and held public hearing at the Henrietta Town Hall on the 27<sup>th</sup> day of March and the 17<sup>th</sup> day of April, 2024, at 6:00 p.m., where all interested parties were heard, including neighbors, on the proposed local law for the rezoning addressed herein; and

WHEREAS, the Town Board has complied with the requirements of the State Environmental Quality Review Act ("SEQR"), has acted as Lead Agency, and, on April 17, 2024, issued a Negative Declaration, determining that the Project will not have a significant adverse impact on the environment; and

WHEREAS, said Local Law is attached hereto and made a part hereof; and

WHEREAS, the Henrietta Town Board, after review of the proposed rezone, all related materials, and all Town staff and public comments, and after due deliberation thereon, finds it in the best interest of the Town to adopt said Local Law; and

WHEREAS, the Henrietta Town Board finds that the Henrietta Town Code and Town Zoning Map should be amended as set forth therein.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby adopts said Local Law No. 2 of 2024 to Amend the Official Zoning Map of the Town of Henrietta to Rezone Approximately 127 Acres of Land as indicated on a drawing entitled "Middle Road Rezoning, To Industrial" prepared by the Town of Henrietta dated March 12, 2024 and revised April 9, 2024, from Residential R-1-15 to Industrial.

BE IT FURTHER RESOLVED, that the Henrietta Town Clerk is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Duly put to a vote:  
Councilmember Page Aye  
Councilmember Bellanca Aye  
Councilmember Barley Aye  
Councilmember Stafford Aye  
Supervisor Schultz Aye

RESOLUTION ADOPTED

**LOCAL LAW NO. 2 OF 2024 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF HENRIETTA TO REZONE APPROXIMATELY 127 ACRES OF LAND LOCATED ON THE EAST SIDE OF MIDDLE ROAD AND NORTH OF THE NEW YORK STATE INTERSTATE I 90 FROM RESIDENTIAL R-1-15 TO INDUSTRIAL.**

Be it enacted by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Municipal Home Rule Law § 10.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 2 of 2024 to Amend the Official Zoning Map of the Town of Henrietta to Rezone Approximately 127 Acres of Land Located on the east side of Middle Road and north of the New York State Interstate I-90 from Residential R-1-15 to Industrial.

Section III. Legislative Finding

The Town Board of the Town of Henrietta finds and hereby determines that the subject parcels are in an area characterized by compatible and complementing uses. Furthermore, the Town of Henrietta Comprehensive Plan calls for the provision of industrial development. As a result, the Town Board finds that the proposed rezoning is in the interest of the Town of Henrietta.

Section IV. Amendment

The Town of Henrietta Official Zoning Map on file in the Office of the Town Clerk, and the Town of Henrietta Zoning Code (located at Chapter 295 of the Henrietta Town Code), inasmuch as the Zoning Map is incorporated into the Town of Henrietta Zoning Code, be and hereby is amended by this Local Law as follows:

The following Property, that being approximately 127 acres of land located on the east side of Middle Road and north of the New York State Interstate I-90, consisting of nine (9) separate parcels shall be rezoned from R-1-15 to Industrial.

Buildings on lots lawfully occupied and used as residences as of the effective date of this Local Law may continue as pre-existing uses/lots and the zoning provisions, including yard and setback provisions for the R-1-15 Zoning District shall continue to apply to these lots unless the use of these lots shall change from residential to another use or the residential use shall be abandoned for a period of one year, in which events the provisions of the Industrial Zoning District shall apply to these lots. This provision is intended to supersede any contrary provision of the Henrietta Code as may be contained in §§ 295-5, 295-46, and 295-47 or any other contrary provisions of the Henrietta Town Code.

The affected property is more particularly described as follows:

## Description of Rezoning

ALL THAT TRACT OF PARCEL OF LAND being part of Town Lots 18, 20 and 22, in the 4<sup>th</sup> Range of Lots and Town Lots 19 and 21, in the 3<sup>rd</sup> Range of Lots, Township 12, Range 7 of the Phelps Gorham Purchase, situate in the Town of Henrietta, County of Monroe, State of New York, as shown on a drawing entitled "Middle Road Rezoning, To Industrial" Prepared by the Town of Henrietta, dated March 12<sup>th</sup>, 2024, and being more particularly bounded and described as follows.

BEGINNING at a point on the westerly highway boundary of Middle Road, said point being the southeasterly corner of the lands now or formerly of JD Berardi Enterprises, Inc., tax account number 175.04-1-5; thence

1. N 22°52'20" E, along the westerly highway boundary of Middle Road, a distance of 257.31 feet to the northeasterly corner of JD Berardi Enterprises, Inc.; thence
2. N 80°30'52" E, a distance of 40.39 feet to a point on the centerline of Middle Road; thence
3. N 88°30'45" E, along the northerly boundary line of the lands now or formerly of Town of Henrietta, tax account number 175.04-1-10.11, a distance of 695.48 feet to the northeasterly property corner thereof; thence
4. S 21°31'23" W, continuing along the boundary of Town of Henrietta, a distance of 395.85 feet to a point; thence
5. N 86°26'47" E, a distance of 198.00 feet to a point; thence
6. N 23°07'22" E, a distance of 852.01 feet to a point; thence
7. N 87°31'38" E, a distance of 998.99 feet to a point on the centerline of Livonia Avon & Lakeville Railroad (formerly Lehigh Valley); thence
8. S 08°32'15" W along the centerline of said Railroad, a distance of 2778.14 feet, to a point on the northerly highway boundary of the New York State Thruway, Interstate Route 90; thence
9. S 87°06'41" W along the northerly highway boundary of said Route 90, a distance of 529.27 feet, to a point; thence
10. S 87°06'36" W continuing along the northerly highway boundary of Route 90, a distance of 1650.01 feet to a point being the southeasterly property corner of the lands now or formerly of William Henry & Kenneth D Wallace, tax account number 175.04-1-13; thence'
11. N 05°23'03" E along the easterly property boundary of Wallace, a distance of 372.00 feet to the northeasterly property corner thereof; thence
12. N 86°40'43" W along the northerly property boundary of Wallace, a distance of 175.00 feet to the northwesterly property corner thereof, said corner being on the easterly highway boundary of Middle Road; thence

13. N 11°29'18" E along the easterly highway boundary of Middle Road, a distance of 48.41 feet, to a point; thence
14. N 11°07'06" E continuing along the easterly highway boundary of Middle Road, a distance of 295.30 feet, to a point, said point being the southwesterly property corner of the lands now or formerly of Jacquelyn N Delaney, tax account number 175.04-1-12; thence
15. N 87°49'49" E along the southerly property boundary of Delaney, a distance of 218.50 feet to the southeasterly property corner thereof; thence
16. N 11°09'48" E along the easterly property boundary of Delaney, a distance of 67.41 feet to the northeasterly property corner thereof; thence
17. N 78°50'38" W along the northerly property boundary of Delaney, a distance of 212.69 feet to the northwesterly property corner thereof, said corner being on the easterly highway boundary of Middle Road; thence
18. N 11°08'15" E along the easterly highway boundary of Middle Road, a distance of 204.93 feet to a point; thence
19. N 22°20'52" E continuing along the easterly highway boundary of Middle Road, a distance of 863.92 feet to a point; thence
20. N 22°54'11" E continuing along the easterly highway boundary of Middle Road, a distance of 319.51 feet to a point; thence
21. S 87°41'49 W across Middle Road, a distance of 73.17 feet to the POINT OF BEGINNING.

Intending to describe an enclosed area of  $\pm 127.067$  acres or  $\pm 5,535,051.74$  square feet of land proposed for rezoning to industrial in the Town of Henrietta.

Section V. Validity and Severability

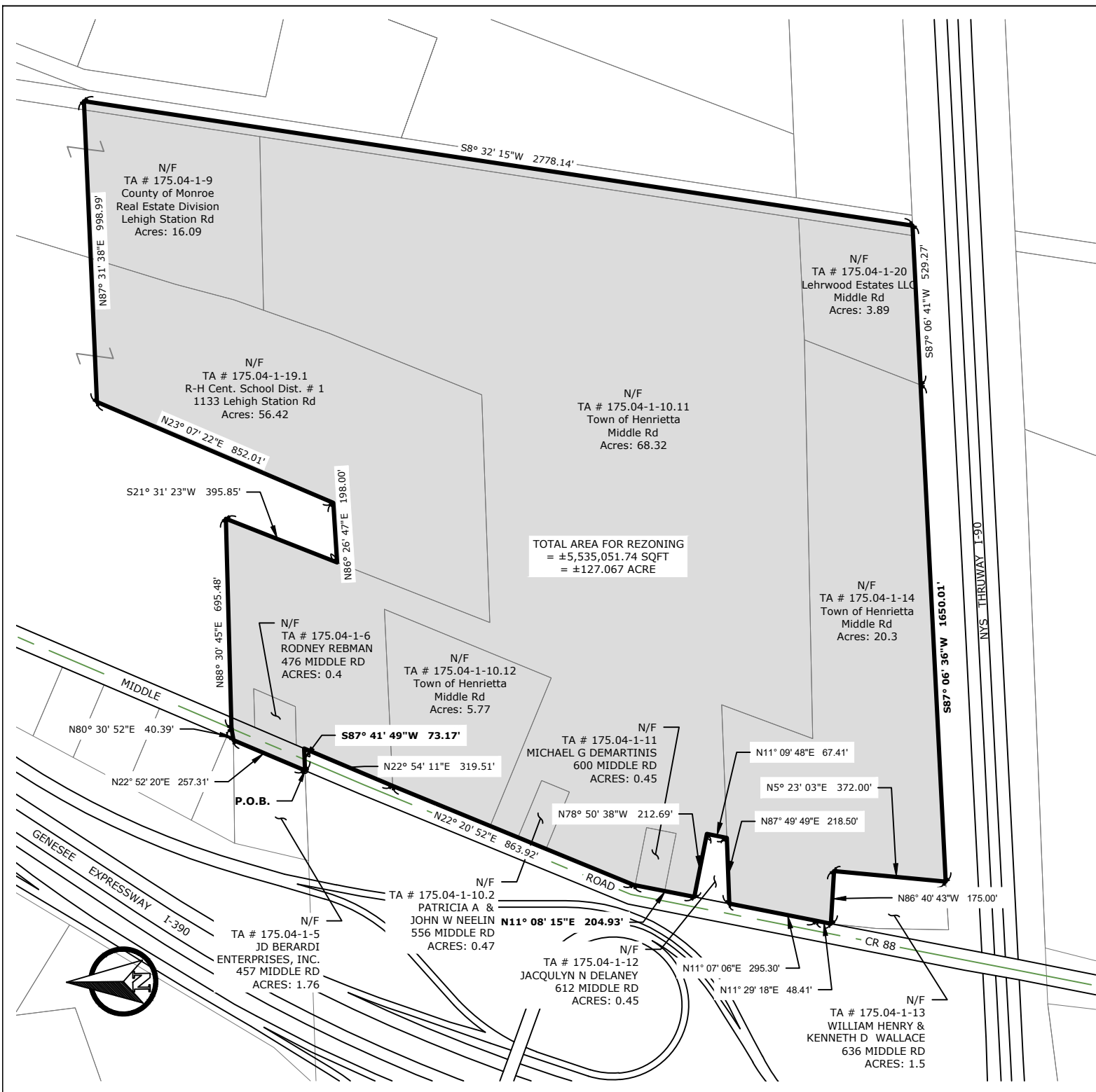
Should any word, section, clause, paragraph, sentence, part, or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment, and Supersession of Other Laws

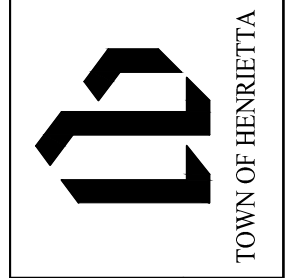
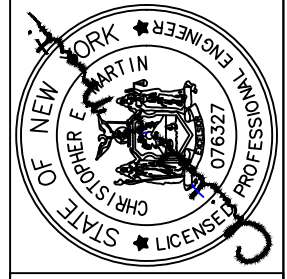
All other ordinances or local laws of the Town of Henrietta which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.



SCALE	NTS
DATE	3/12/2024
JOB NO.	--
DESIGNED BY	C. MARTIN
DRAWN BY	J. DIFILIPPO
CHECKED BY	C. MARTIN
APPROVED BY	C. MARTIN



**TOWN OF HENRIETTA**  
**475 CALKINS ROAD**  
**HENRIETTA, N.Y. 14467**

**MIDDLE ROAD REZONING**  
**TO INDUSTRIAL**

DWG. NO.	PL-1
SHEET NO.	1 of 1