

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 MAY 8, 2024 AT 6:00 P.M.

RESOLUTION #10-174/2024 To adopt Local Law No. 3 of 2024 to amend the official Zoning Map of the Town of Henrietta to rezone approximately 600 +/- acres of land located along Brooks Road between East River Road and west of West Henrietta Road from Residential R-1-15 to Rural Residential (with Specifics).

On Motion of
Councilmember Page

Seconded by
Councilmember Bellanca

WHEREAS, the Town of Henrietta is proposing to rezone approximately 600 +/- acres of land located on both sides of Brooks Road from East River Road to west of West Henrietta Road, as indicated on a drawing entitled "Brooks Road Rezoning" prepared by the Town of Henrietta dated March 1, 2024, to be rezoned from Residential R-1-15 to Rural Residential (with Specifics); and

WHEREAS, the adjacent land on the south side of the New York State I-90 Thruway is currently zoned Rural Residential, and the 2003 Update to the Town's Comprehensive Land Use Plan indicates that this area should remain as prime farmland area; and

WHEREAS, the Henrietta Town Board duly called for and held public hearings at the Henrietta Town Hall on the 17th day of April and the 8th day of May, 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 May 8, 2024, issued a Negative Declaration, determining that the Project will not have a significant adverse impact on the environment; and

WHEREAS, Graywood 1938, LLC, owner of parcel 174.04-1-18.1 located on the northeast corner of the intersection of Brooks Road and East River Road has provided a notice of intent to subdivide out from this main parcel, two separate residential parcels, where existing homes are located, that conform with the current Residential R-1-15 rules, as indicated on the attached map (attachment B), and rather than delay the rezone process until this subdivide is completed, the Town would prefer to treat those two parcels as existing at the time of rezone with regards to preexisting conforming parcels; 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. 3 of 2024 to Amend the Official Zoning Map of the Town of Henrietta to Rezone Approximately 600 +/-

Acres of Land as indicated on a drawing entitled "Brooks Road Rezoning" prepared by the Town of Henrietta dated March 1, 2024, from Residential R-1-15 to Rural Residential (with Specifics).

THEREFORE, BE IT FURTHER RESOLVED, that the two proposed subdivided residential parcels subdivided out of parcel 174.04-1-18.1, as indicated on the attached map (attachment B), be considered preexisting conforming parcels as if the subdivision were completed at the time of this rezone.

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	Abstain

RESOLUTION ADOPTED

LOCAL LAW NO. 3 OF 2024 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF HENRIETTA TO REZONE APPROXIMATELY 600 ACRES OF LAND LOCATED ALONG BROOKS ROAD FROM EAST RIVER ROAD TO WEST OF WEST HENRIETTA ROAD FROM RESIDENTIAL R-1-15 TO RURAL RESIDENTIAL (WITH SPECIFICS) AND TO CODIFY CONDITIONS (SPECIFICS) IMPOSED UPON SAID PARCELS.

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. 3 of 2024 to amend the Official Zoning Map of the Town of Henrietta to rezone approximately 600 acres of land located along Brooks Road from East River Road to west of West Henrietta Road from Residential R-1-15 to Rural Residential (with Specifics) and to codify conditions (Specifics) imposed upon said parcels/lands.

Section III. Legislative Finding

The Town Board of the Town of Henrietta finds and hereby determines that the subject parcels/lands are in an area characterized by compatible and complementing uses. Furthermore, the Town of Henrietta Comprehensive Plan calls for the provision of rural residential uses. As a result, the Town Board finds that the proposed rezoning is in the interest of the Town of Henrietta, and further finds that in addition to the regulations of the Standard Rural Residential Zoning District pertaining to such lands that certain conditions (Specifics) are necessary and appropriate. Where there is any inconsistency between the regulations of the Standard Rural Residential Zoning District and these additional regulations, these additional regulations shall prevail.

Section IV. Amendment

§295-10.1 (C) of the Henrietta Town Code is hereby modified to read as follows:

- C. Pre-existing buildings on lots. Buildings on lots lawfully occupied and used as of the date of change may continue as pre-existing uses pursuant to this Zoning Law, and the yard and setback provisions for the previous zoning classification as of the Date of Change shall apply to these buildings. The Date of Change is defined as July 1, 2005, for those properties rezoned to Rural Residential in July 2005, and is defined as May 1, 2024, for those properties rezoned to Rural Residential in May 2024.

§ 295-10.2 is hereby added to the Henrietta Town Code to read as follows:

§ 295-10.2 ZONING CONDITION APPLICABLE TO PARCELS IN RESIDENTIAL DISTRICTS

A. “Brooks Road Rural Residential Lands” at Zoning Map designation: R(I)

- (1) Senior housing complexes built in the Brooks Road Rural Residential Lands District are prohibited from having an entrance or exit onto Brooks Road or onto side streets that

exit onto Brooks Road. A gated emergency-only entrance/exit, if required, is not included in this prohibition.

- (2) Parcel Tax ID No. 174.04-1-18.1 (located on the north side of the western end of the rezoned land) and any subsequent subdivided parcels that lie completely within the bounds of the original parcel, shall be allowed the following additional uses:
- a. Large-scale solar arrays, including setback requirements but without the requirement of being located on a working farm.
 - b. Large-scale energy storage systems, such as battery systems that can utilize and restore power to the electrical grid.

The affected property is more particularly described as follows:

ALL THAT TRACT OF PARCEL OF LAND being part of Town Lots 20, 22 and 24 in the 6th Range of Lots and Town Lots 19, 20, 21 and 22 in the 5th 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 "Brooks Road Rezoning, To Rural Residential with Specifics" prepared by the Town of Henrietta, dated March 22nd, 2024, and being more particularly bounded and described as follows.

BEGINNING at a point on the centerline of East River Road, said point being the northwesterly corner of the lands now or formerly of Graywood 1938, LLC, tax account number 174.04-1-18.1; thence

1. N 87°40'22" E, a distance of 3,895.28 feet along the northerly boundary line of Graywood to the northeasterly property corner of the lands now or formerly of Irish Rose Stables, LLC, tax account number 174.04-1-17.111; thence
2. S 20°25'06" W, a distance of 177.08 feet along the easterly boundary line of Irish, to the northerly property corner of the lands now or formerly of Glen & Irene M Flood, tax account number 174.04-1-12.113; thence
3. S 87°54'34" E, a distance of 460.94 feet along the northerly boundary line of Flood to the northeasterly property corner of the lands now or formerly of Joseph Giorgione, tax account number 174.04-1-12.112; thence
4. S 22°37'51" W, a distance of 287.60 feet along the easterly boundary of Giorgione, to the northwesterly property corner of the lands now or formerly of Sylvester & Betty Ann Duhart, tax account number 174.04-1-12.111; thence
5. N 88°47'51" E, a distance of 1,413.47 feet along the northerly boundary line of Duhart, to a point on the westerly boundary line of the lands now or formerly of Bobbi L Rockow-Coats, tax account number 175.03-1-28.11; thence
6. Northeasterly on a curve to the left, along the westerly boundary of Rockow-Coats, a distance of 416.22 feet and having a radius of 5,772.70 feet, to a point; thence

7. N 20°24'55" E, a distance of 99.36 feet along the westerly boundary line of Rockow-Coats, to the northwesterly property corner thereof; thence
8. N 88°11'05" E, a distance of 954.39 feet along the northerly boundary line of Rockow-Coats to a point; thence
9. N 89°59'02" E, a distance of 408.77 feet, continuing along the northerly boundary line of Rockow-Coats to a point; thence
10. N 87°56'05" E, a distance of 2,152.88 feet, continuing along northerly boundary line of Rockow-Coats to a point on the northerly boundary line of the lands now or formerly of 5121 West Henrietta Road LLC, tax account number 175.03-1-16; thence
11. S 20°56'39" W, a distance of 238.82 feet through the Lands of 5121 West Henrietta Road to a point on the easterly boundary line thereof; thence
12. S 68°28'15" W, a distance of 362.67 feet along the easterly boundary line of 5121 West Henrietta Road to a point; thence
13. S 23°21'14" W, a distance of 588.84 feet, continuing along the easterly boundary line of 5121 West Henrietta Road to a point; thence
14. S 69°44'25" E, a distance of 292.28 feet, continuing along the easterly boundary line of 5121 West Henrietta Road to a point; thence
15. S 20°56'39" W, a distance of 1,295.66 feet, through the lands of 5121 West Henrietta Road and across Brooks Road to a point on the northerly highway boundary of the New York State Thruway, Interstate Route 90; thence

The following twelve courses are along the northerly highway boundary of the New York State Thruway, Interstate Route 90.

16. S 86°04'27" W, a distance of 735.57 feet to a point; thence
17. S 85°08'06" W, a distance of 842.82 feet to a point; thence
18. S 79°03'57" W, a distance of 646.45 feet to a point; thence
19. S 76°39'00" W, a distance of 654.29 feet to a point; thence
20. S 75°13'36" W, a distance of 1,023.90 feet to a point; thence
21. S 76°37'32" W, a distance of 1,215.27 feet to a point; thence
22. S 82°19'05" W, a distance of 196.01 feet to a point; thence
23. S 72°36'40" W, a distance of 1,277.91 feet to a point; thence
24. S 75°10'41" W, a distance of 850.42 feet to a point; thence
25. S 75°11'34" W, a distance of 364.55 feet to a point; thence
26. S 77°47'24" W, a distance of 1,081.80 feet to a point; thence
27. S 84°19'10" W, a distance of 923.12 feet to a point on the centerline of East River Road; thence

28. N 16°09'06" E, a distance of 2,258.34 feet, along the centerline of East River Road to a point; thence

29. N 16°16'16" E, a distance of 1,762.32 feet, continuing along the centerline of East River Road to the POINT AND PLACE OF BEGINNING.

Intending to describe an enclosed area of 598.782 acres, more or less, proposed for rezoning to Rural Residential with Specifics in the Town of Henrietta.

Section V. Validity and Severability

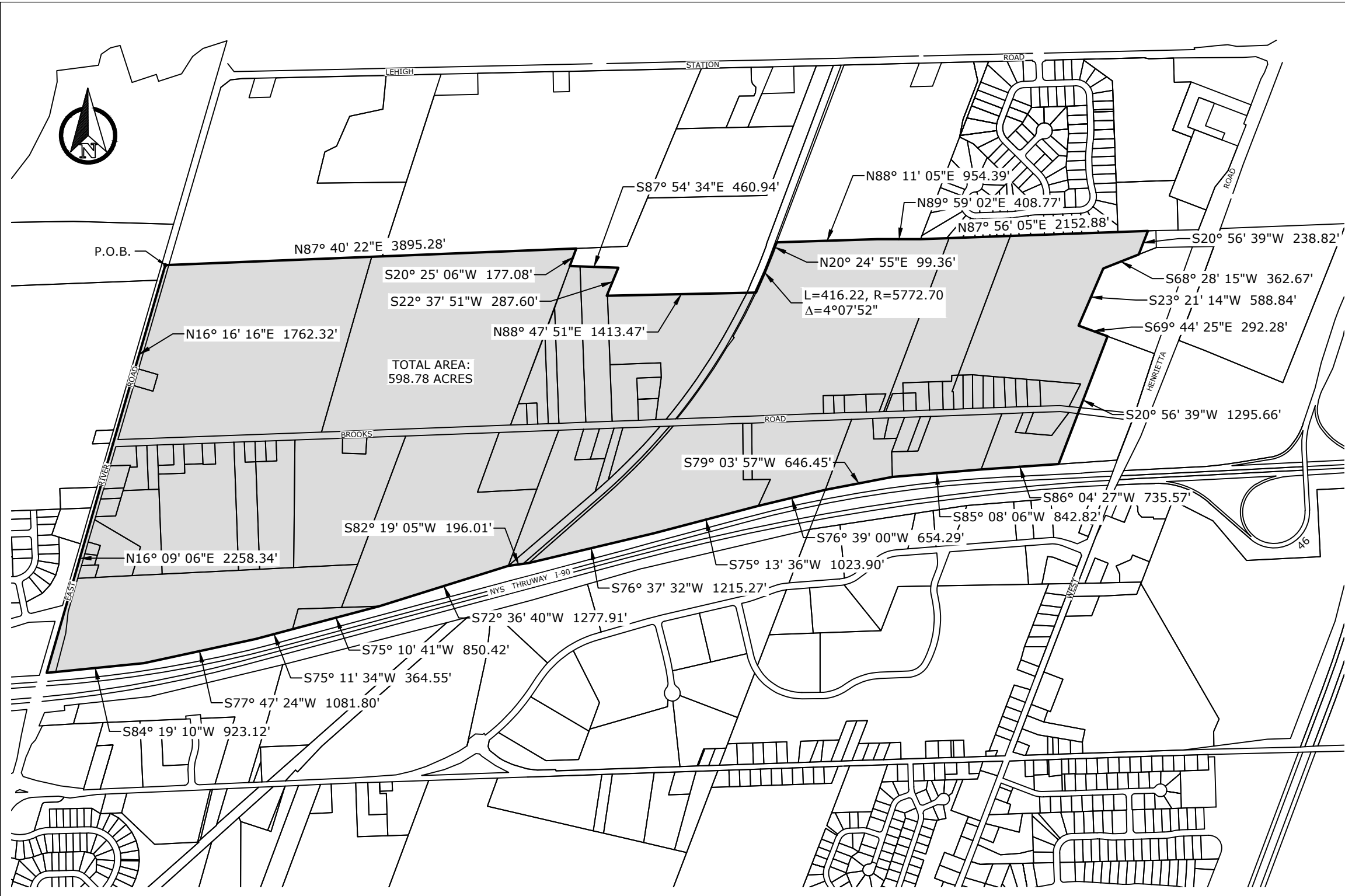
Should any word, section, clause, paragraph, sentence, part, or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

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

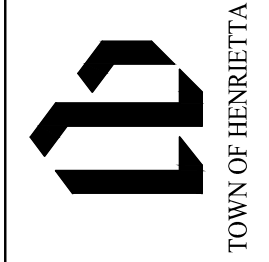
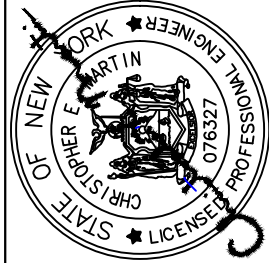
All other ordinances or local laws of the Town of Henrietta which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

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	3/22/2024
JOB NO.	--
DESIGNED BY	C. MARTIN
DRAWN BY	J. DIFILIPPO
CHECKED BY	C. MARTIN
APPROVED BY	C. MARTIN

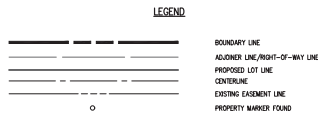
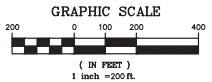
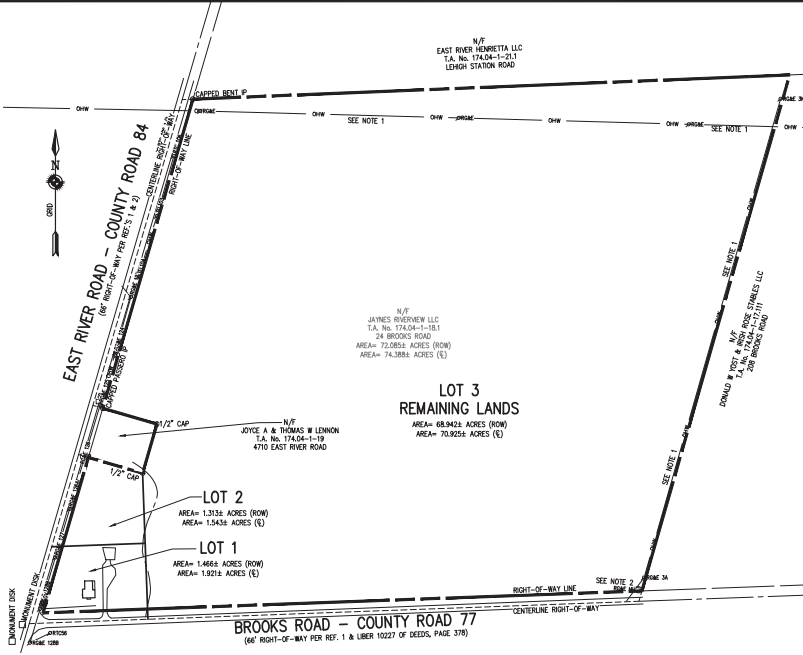
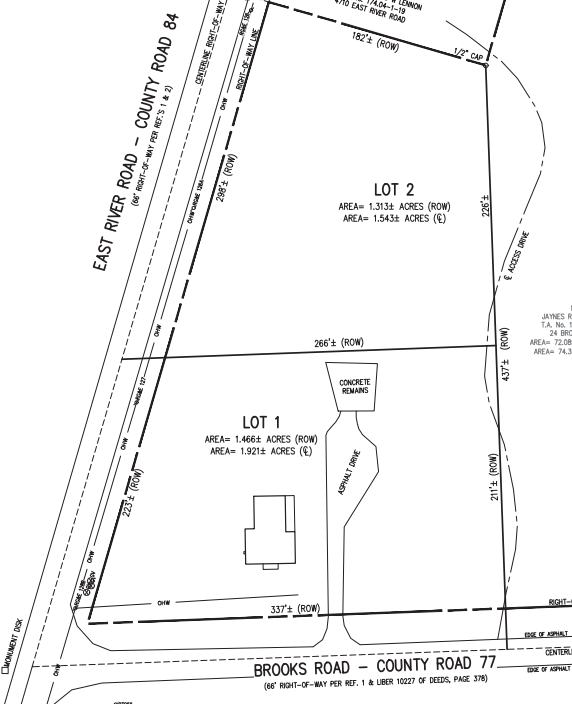
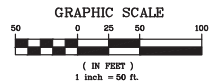


TOWN OF HENRIETTA
475 CALKINS ROAD
HENRIETTA, N.Y. 14467
BROOKS ROAD REZONING
TO RURAL RESIDENTIAL W/ SPECIFICS

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

THIS MAP AND THE INFORMATION SHOWN HEREON IS NOT TO BE USED WITH AN "AFFIDAVIT OF NO CHANGE" UNLESS ASSURED BY THE SURVEYOR TO BE THE SAME AS THE ORIGINAL SURVEY. THE COMPANY, ENGINEER, ARCHITECT, SURVEYOR OR LANDSCAPE ARCHITECT IN THE EVENT THAT THIS MAP IS USED WITH AN "AFFIDAVIT OF NO CHANGE" OR SIMILAR INSTRUMENT.
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F:\21023\Drawings\DWG\21023 Survey Boundary



- REFERENCES:**
- A PLAT ENTITLED "KODAK RIVERWOOD SUBDIVISION, LANDS NOW OR FORMERLY OF EASTMAN KODAK COMPANY, OVERALL SUBDIVISION PLAT," PREPARED BY PASSERO ASSOCIATES, AS FILED AT THE MONROE COUNTY CLERK'S OFFICE IN LIBER 321 OF MAPS, PAGE 50.
 - A PLAT ENTITLED "KODAK RIVERWOOD RESUBDIVISION, BEING A RESUBDIVISION OF LOT 2 OF THE KODAK RIVERWOOD SUBDIVISION FILED IN LIBER 321 OF MAPS, PAGE 50," PREPARED BY PASSERO ASSOCIATES, AS FILED AT THE MONROE COUNTY CLERK'S OFFICE IN LIBER 356 OF MAPS, PAGE 12.
 - THE FOLLOWING DEEDS: LIBER 10227 OF DEEDS, PAGE 378; LIBER 11482 OF DEEDS, PAGE 311; AND LIBER 11698 OF DEEDS, PAGE 304.
 - AN ABSTRACT OF TITLE WAS NOT PROVIDED FOR THE COMPLETION OF THIS SURVEY.

- SURVEY NOTES:**
- PARCEL MAY BE SUBJECT TO THE RIGHTS OF OTHERS FOR THE USE OF THE OVERHEAD WIRES AND POLE LINES AS SHOWN HEREON.
 - PARCEL MAY BE SUBJECT TO THE RIGHTS OF OTHERS FOR THE USE OF THE UTILITY MANHOLE AS SHOWN HEREON.
 - THE PROJECT BOUNDARY SURVEY WAS MADE USING PROCEDURES NECESSARY TO ACHIEVE A HORIZONTAL ACCURACY OF 1 PART IN 20,000 (1:20,000) OR BETTER PROPORTIONAL ACCURACY AND A NETWORK POSITIONAL ACCURACY AT 95% CONFIDENCE LEVEL, NOT EXCEEDING 0.02 FEET.
 - THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM OF 1983, WESTERN ZONE, TRANSVERSE MERCATOR PROJECTION, NAD 83 (2011) UTILIZING GLOBAL POSITIONING SYSTEM (GPS) (DR) GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) OBSERVATIONS FROM NAD83 REFERENCE NETWORK CORS STATION (NAD83 0032).

MONUMENTATION	ESTABLISHED NAD '83	MEASURED NAD '83
ODD (NYS) 1936	N= 1,112,254.10 E= 1,386,115.23	N= 1,112,253.26 E= 1,386,115.23
MONUMENTATION	ESTABLISHED NAD '22	MEASURED NAD '83
KRENDEL (C&GS) 1969	N= 1,112,023.30 E= 727,723.89	N= 1,112,068.33 E= 1,286,052.30

BEARINGS SHOWN HEREON ARE GRID BEARINGS UNLESS OTHERWISE NOTED. CORNER FACTOR = 0.999997

MONROE COUNTY SURVEYORS OFFICE/DEPT. OF TRANSPORTATION

This plat is approved in accordance with the provisions of Section 2394, Article 12-b of the General Municipal Law and/or the Monroe County Monumentation Law. A separate approval is required for site construction.

For General Municipal Law:

County Highway Superintendent _____ Date _____

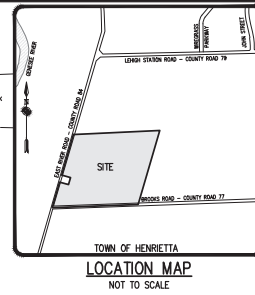
For the Monroe County Monumentation Law:

Monroe County Surveyors Office _____ Date _____

APPROVALS

BY: _____ DATE: _____
 PLANNING BOARD CHAIRMAN

BY: _____ DATE: _____
 DIRECTOR OF ENGINEERING AND PLANNING



BME ASSOCIATES
 ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS
 10 LUTHERBROOK LANE EAST
 FAIRPORT, NEW YORK 14450
 WWW.BMEIAC.COM
 585-377-7360

REVISIONS	DATE	BY
7		
6		
5		
4		
3		
2		
1		



JAYNES RIVERVIEW PARCEL 1
 MONROE COUNTY, NEW YORK STATE
 PROJECT SURVEYOR
 100 LUTHERBROOK AVENUE
 FAIRPORT, NEW YORK 14450

24 BROOKS ROAD
 CONCEPT SUBDIVISION

PROJECT: JAYNES RIVERVIEW PARCEL 1
 LOCATION: MONROE COUNTY, NEW YORK STATE
 CLIENT: 24 BROOKS ROAD

PROJECT MANAGER: PC VARS
 PROJECT SURVEYOR: JT CLUMORE
 DATE ISSUED: MAY 6, 2024
 PROJECT NO.: 21921
 DRAWING NO.: CS-01