

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 OCTOBER 3, 2024 AT 6:00 P.M.

RESOLUTION #20-312/2024 To adopt Local Law No. 10 of 2024 to amend the Zoning Code of the Town of Henrietta to add a Waterfront Revitalization Incentive Zone under Article IXB of Chapter 295.

On Motion of
Supervisor Schultz

Seconded by
Councilmember Bellanca

WHEREAS, the Town added Incentive Zoning through the 2021 Update to the Comprehensive Land Use Plan via Town Board Resolution #15-180/2021, and was added to the Town Code by Local Law No. 7 of 2021 via Resolution #15-181/2021; and

WHEREAS, the Town began the process of creating a Local Waterfront Revitalization Program (LWRP) Plan with the New York State Department of State by authorizing an LWRP application via Town Board Resolution #19-229/2019, and by approving the contract for Environmental Data and Research PC (EDR) to assist the Town in creation the LWRP Plan via Town Board Resolution #6-107/2020; and

WHEREAS, some of the potential projects in the plan require modifications to zoning for new uses designed to spur revitalization of the waterfront, which the Town believes is best accomplished through the addition of a Waterfront Revitalization Incentive Zone, which would be permitted in the Waterfront Revitalization Area defined in the LWRP Plan; and

WHEREAS, to accomplish this, the Town is proposing a new local law to add the Waterfront Revitalization Incentive Zone to Article IXB Incentive Zoning of Chapter 295 Zoning, as advertised and as discussed at the public hearing held on October 3, 2024, at 6:00 p.m., as called for by Town Board Resolution #18-284/2024.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby adopts said Local Law No. 10 of 2024 to amend the Zoning Code of the Town of Henrietta to encourage the revitalization of the Waterfront Revitalization Area as set forth in the Town’s adopted Local Waterfront Revitalization Plan via Incentive Zoning.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Henrietta is hereby 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. 10 of 2024

A Local Law to amend the Zoning Code of the Town of Henrietta to encourage the revitalization of the Waterfront Revitalization Area as set forth in the Town's adopted Local Waterfront Revitalization Plan via Incentive Zoning.

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. 10 of 2024 to amend the Zoning Code of the Town of Henrietta to encourage the revitalization of the Waterfront Revitalization Area as set forth in the Town's adopted Local Waterfront Revitalization Plan via Incentive Zoning.

Section III. Legislative Finding

The Town Board of the Town of Henrietta finds and hereby determines that the incentive zoning provisions of the Henrietta Zoning Code can be appropriately utilized to encourage the revitalization of properties located within the waterfront revitalization area as defined in the Town's adopted Local Waterfront Revitalization Plan. The Town of Henrietta is working with the New York State Department of State to finalize and adopt the Town's plan for the Local Waterfront Revitalization Program. Some of the potential projects in the plan require modifications to zoning. However, those changes are designed to spur revitalization of the waterfront, and so any such development under the plan should work towards that goal. To accomplish those goals the Town is implementing these changes under their Incentive Zoning Code, specifically adding a Waterfront Revitalization Incentive Zone with incentives that will help spur the revitalization in exchange for the benefit of revitalizing the waterfront.

Section IV. Amendment

§ 295-34.10 Establishing Incentive Zones in the town is hereby amended to add the following subsection E:

- E. Waterfront Revitalization Incentive Zone: The Waterfront Revitalization Incentive Zone is coterminous with the Waterfront Revitalization Area as defined in the Town's adopted Local Waterfront Revitalization Plan

§ 295-34.11 which sets forth permissible incentives, is hereby amended to add the following subsection E:

- E. Waterfront Revitalization Zone Incentives: The following incentives shall be available on lands in the Waterfront Revitalization Zone in exchange for Waterfront Revitalization Incentive Zone Amenities:

- (1) Waiver, reduction, adjustment or otherwise relief of area, dimensional and/or design requirements (including, but not limited to, and for purposes of example only, setbacks, height, density, parking), as well as other related requirements such as driveway pavement requirements.
- (2) Complementary Uses Incentive: Complementary, low-impact neighborhood uses not normally allowed in the subject zoning district, only so long as the proposed use does not create a potentially significant adverse impact to the physical or aesthetic character of the neighborhood or otherwise. Such complementary use(s) must primarily involve the use/adaptive reuse of the subject historic structure in order to qualify. Complementary uses which may be permitted as an incentive include the following, the hours of operation of which may be limited by the Town Board:
 - (a) Two-family dwellings.
 - (b) Multifamily dwellings with a density no greater than ten units per acre.
 - (c) Small grocery stores (maximum 10,000 square feet).
 - (d) Small retail store (maximum 10,000 square feet);
 - (e) Waterfront restaurants.
 - (f) Waterfront businesses such as small marinas, fish tackle, and the like.
 - (g) Other uses that the Town Board may find appropriate given the intent and purpose of this article, in its sole discretion.

§ 295-34.12 which sets forth permissible amenities, is hereby amended to add the following subsection E:

- E. Waterfront Revitalization Zone Amenities: The following amenities shall be available in exchange for Waterfront Revitalization Incentive Zone incentives:
 - (1) Revitalization, managed development, and other improvements to the waterfront areas, as defined in the Town's Local Waterfront Revitalization Plan.
 - (2) Improved access to the waterfront, including allowing for new public roads, better separation of commercial and residential traffic, waterfront trails, pedestrian or mixed-modal trails to reach the waterfront, additional public parking, and other such transportation improvements.
 - (3) Public Parks, whether passive or active, or similar public amenities.
 - (4) Stabilization of the shoreline in conjunction with all applicable laws and regulations, including, but not limited to those defined in the Town's Local Waterfront Revitalization Plan.

Section V. Validity and Severability

Should any work, 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 Secretary of State.