

# TOWN OF HENRIETTA PLANNING BOARD

August 8, 2017

## AGENDA

Peter Minotti, Chairman  
Devon Van Vechten, Vice-Chairman  
Lawrence Neill  
Stephen R. MacIntyre  
James Grunert  
Patricia Brill  
Matthew Borkowski  
William Walker, Esquire

### MAIN MEETING ROOM

**ROLL CALL:** 7:00 PM

**MINUTES:** July 11, 2017

### PUBLIC HEARING:

**Application No. PB-314** **Lehigh Business Park** – For preliminary subdivision approval of an eleven (11) lot industrial business park on a 69.3 acre property located west of John Street and north of Lehigh Station Road in an Industrial Zoned District. Tax Account Nos. 174.02-1-15.1, 174.02-1-44.3 & 174.02-1-15.2.

### APPLICATIONS:

**Application No. PB-314** **Lehigh Business Park** – For preliminary subdivision approval of an eleven (11) lot industrial business park on a 69.3 acre property located west of John Street and north of Lehigh Station Road in an Industrial Zoned District. Tax Account Nos. 174.02-1-15.1, 174.02-1-44.3 & 174.02-1-15.2.

**Application No. 17-010** **Van Bortel Subaru** – For final site plan approval of an auto dealership on a 11.01 acre property located at 4211 West Henrietta Road in a Commercial B-1 Zoned District. Tax Account Nos. 175.06-02-84, 175.06-02-85 & 175.07-01-04. **(SEQR)**

**Note:** Applicants must have a representative available at the time the application is called. If the meeting should run past 12:00 a.m. (midnight), the Chairman may temporarily adjourn the meeting. The meeting will reconvene on **August 15, 2017 at 7:00 p.m. in Main Meeting Room**

**TOWN OF HENRIETTA  
PLANNING BOARD MINUTES  
August 8, 2017**

A regularly scheduled meeting of the Henrietta Planning Board was held on Tuesday, August 8, 2017 at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York 14467. The meeting was called to order at 7:00 p.m. by the Planning Board Chairman, Peter Minotti.

**MEMBERS PRESENT:** Peter Minotti, Chairman  
Lawrence Neill  
James Grunert  
Patricia Brill  
Matthew Borkowski  
William Walker, Esquire

**MEMBERS ABSENT:** Devon Van Vechten, Vice Chairman  
Stephen R. MacIntyre

**ALSO PRESENT:** Christopher Martin, P.E., Director of Engineering & Planning

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PETER MINOTTI, CHAIRMAN

A public hearing is being held before the Henrietta Planning Board today, Tuesday, August 8, 2017, 7:00 p.m. in the Main Meeting Room, 475 Calkins Road, Henrietta, NY 14467 to hear all persons with regard to the following application:

**Application No. PB-314 Lehigh Business Park** – For preliminary subdivision approval of an eleven (11) lot industrial business park on a 69.3 acre property located west of John Street and north of Lehigh Station Road in an Industrial Zoned District. Tax Account Nos. 174.02-1-15.1, 174.02-1-44.3 & 174.02-1-15.2.

This Public hearing is being held so that you, the general public, can present your opinions to the Henrietta Planning Board regarding subdivision concerns, specifically limited to the lots themselves, open space, landscaping and trees, the infrastructure, utilities, sidewalks and flood prone areas. Mr. Vars, good evening, you are representing application number PB-314.

PETER VARS, P.E., BME ASSOCIATES

Good evening, my name is Peter Vars, from BME Associates appearing tonight on behalf of LFS John Street, LLC. With me also is Mr. Rich LeFrois, one of the owner applicant's for the property. We are appearing this evening to request preliminary subdivision approval for the Lehigh Business Park. It is a proposed eleven (11) lot subdivision of sixty-nine point three (69.3) acres; the property actually consists of three (3) tax parcels and all three (3) parcels are zoned I-Industrial. The property, on this map, north is to the left. The property is located west of John Street, which is the street up at the top of the rendering, north of Lehigh Station Road. It is bounded to the south by Lehigh Station Road, it is bounded to the east by the lands of the Empire Soccer Club, to the north by the undeveloped lands of both Wallman and Larkin, and to the west, which is at the bottom of the map, is the Morgan property Lehigh Station apartment project that the Board is familiar with. The property is currently

dormant lands with wetlands located at the northwest corner of the property which is the bottom left hand corner.

The proposal is to develop the property as a light industrial park similar to the light industrial business park that is typical of John Street south of Bailey Road. The sixty seven point four (67.4) acres was rezoned to Industrial zoning by the Town Board on June 7<sup>th</sup> of this year. That petition for rezoning that was submitted to the Town Board was submitted by the applicant with the intent to develop the business park as it's proposed and brought forward to you this evening. This plan that you see is very similar to the concept plan actually that this Board reviewed as part of the rezoning process with the plan being referred to you for input at that time. It is the applicant's intent to initially develop the site's infrastructure including a dedicated road and utility systems. We are currently proposing eleven (11) lots, or initially proposing eleven (11) lots on the subdivision that would range in size from three and a quarter (3.25) acre up to ten and a half (10.5) acres. Each lot conforms to the bulk standards or the lot requirements of the industrial zone. It is the applicant's intent to create the lots and then apply for individual lights, lot, site plan approval at the time users and buyers are identified, very similar to the work that Mr. LeFrois has done throughout the Town of Henrietta that you're familiar with.

The proposed dedicated road that we show you will intersect John Street just north of the Empire Soccer lands. It will also then come down and intersect Lehigh Station Road about eleven hundred feet (1100') west of John Street. The location, which I will point out, here, the location where it comes out on to Lehigh Station Road was located primarily to avoid the two (2) existing residential properties that are on the south side of Lehigh Station Road. That was one of the comments that we had heard during the concept plan review. It does place the road adjacent to the existing residential property that's located on the north side of Lehigh Station Road in that area. It is the applicant's intent to landscape that property line it is, would be a road right-of-way so there would be no development other than the road there and it is their intent to landscape that to provide a buffer between the road and the existing residence. That residence itself is about eighty feet (80') east of that property line so they control themselves a pretty significant chunk of land between their home and the proposed road right-of-way.

You may recall, and it was included in your review packets from Town Staff, during the rezoning process a traffic study was completed for this project, it was reviewed by the Town Board as part of their SEQOR process and you have in your packet a letter from the Monroe County Department of Transportation dated May 11<sup>th</sup>, that identified that the proposed project with this build-out would not have any adverse impacts on the traffic network in the area and at this time no improvements would be required. There was a condition placed in that letter that is as the build-out of this business park was to progress, they established a threshold of two hundred thousand square feet (200,000 S. F.) that the county would want the traffic revisited to analyze not only trip generation out of the proposed project but also based on how development within the Lehigh Station Road area is progressing based on other properties and applications. And based on that information, the Town Board did issue their SEQOR negative declaration also on June 7<sup>th</sup>.

The other improvements that would be installed up front would be a dedicated water main that would loop from John Street to Lehigh Station Road, public sanitary sewers that would actually flow to a proposed sanitary lift station that would be located at Lehigh Station Road in the proposed parks dedicated street and then it would pump it back up to John Street. The proposal of the lift station at Lehigh Station Road would allow sewer to be extended to the east if necessary, if desired by the Town to provide sanitary sewer service to existing residences along Lehigh Station Road. The project does include a comprehensive stormwater management plan represented by the two (2) blue areas on the

map, it is the intent with the infrastructure/initial development that those stormwater facilities would be constructed. They have been designed in size to meet the requirements of both the Town of Henrietta and the New York State Department of Environmental Conservation. It would provide the water quantity and the water quality requirements for the development of this nature. As I previously mentioned the SEQR process has been completed, it was completed by the Town Board as a Type I Action as a coordinated review. We did receive the Town staff comments, we've reviewed those, we will provide written responses to the appropriate Town staff agencies but at this time don't see any comments that cause us or the applicant any concern in that we believe we will be able to address them satisfactorily. So with that, we can answer any questions once you complete the hearing.

PETER MINOTTI, CHAIRMAN

Sure, Peter, thank you. Appreciate it. At this time I would like to extend an invitation to anybody that is here this morning that would like to speak on this application, so at this time if you would like to come forward state your name and address please. Margaret, good evening.

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

Good evening Peter. Margaret Churnetski, 258 Lehigh Station Road. And it is evening.

PETER MINOTTI, CHAIRMAN

Yes, ma'am.

*(Laughter)*

PATRICIA BRILL, PLANNING BOARD MEMBER

We weren't going to say anything, it's a long day for him.

PETER MINOTTI, CHAIRMAN

Oh, thank you, I'm old.

*(Laughter)*

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

Since Mr. LeFrois recently stated the need for large parcels of industrial land for parties he knows of, who are interested in developing a single large facility, I wonder why he is now taking this fairly large piece of land and subdividing it into eleven (11) smaller sites instead of leaving it whole?

PETER MINOTTI, CHAIRMAN

Mr. Vars? Mr. LeFrois?

*(From audience, Peter Vars, P.E., BME Associates, "Do you want me to answer at this time...?")*

PETER MINOTTI, CHAIRMAN

I think, if it's okay, yes let's, we'll go...

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

I don't have too many questions.

PETER MINOTTI, CHAIRMAN

That's fine, no Margaret, there's no time limit. I thought rather than have you state everything if these gentlemen want...

*(From audience, Richard LeFrois, Property Owner, "To address that, we're giving ourselves flexibility, like I mentioned previously, there is need for large pieces of land for (inaudible) but there's also a need for medium sized businesses too. Henrietta right now has very very limited industrial land so we get customers from ten thousand square feet to one hundred thousand square feet (10,000 S.F. – 100,000 S.F.). So it varies and I wish I had a crystal ball to be able to know what the next customer was going to need that came in the door.")*

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

So none of these parcels are for sure, you might actually develop it as two (2) large pieces instead of eleven (11) small ones?

*(From audience, Richard LeFrois, Property Owner, "Yes, the idea, the intent is to give a more, appeal of what it could be. Yes, to answer your question, yes, I mean there's..."*

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

Okay.

*(From audience, Richard LeFrois, Property Owner, "There are lines in between there that we have set up to be eleven (11) lots and I think everybody, with the understanding that for example, if these two (2) buildings were combined that line would go away and we would have one (1) large lot there."*

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

Okay. At a previous community meeting with Mr. LeFrois' representatives it was suggested that the proposed additional road, if necessary at all, should be made one-way, north bound, from Lehigh Station Road only. Was that proposal ever seriously considered and if it wasn't, why not?

MATTHEW BORKOWSKI, PLANNING BOARD MEMBER

Could you guys pick up the mic, because we're actually recording this.

PETER VARS, P.E., BME ASSOCIATES

Yes.

MATTHEW BORKOWSKI, PLANNING BOARD MEMBER

Thanks.

PETER VARS, P.E., BME ASSOCIATES

The answer to that question is, it was discounted because of both the Monroe County Department of Transportation would not consider it as it relates to overall traffic flow through the whole region. They're actually encouraged by this road because it could provide relief to the John Street/Lehigh Station Road intersection. And so, as a public road the County and the Town actually did not have a desire for that to be a one-way road. Providing two-way traffic allows the traffic to distribute the best throughout the network.

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

I understand the pressure that the Town of Henrietta is under from developers interested in building here because of the proximity of the thruway and 390, and I realize that most residents appreciate the fact that industrial development helps keep our taxes low. But, there will be eight (8) houses with resident homeowners who will be isolated between two (2) industrial roads. The Town and the Planning Board should give our concerns some consideration as well. We will suffer a loss in value of our homes, most of us will have industrial parking lots illuminated at night in our backyards. We will have additional traffic with noise, air pollution, increased difficulty getting in and out of our driveways making our homes less safe for children and grandchildren. Many of us will be looking at the backs of buildings. I would request that the buffer between the industrial development and the neighboring houses should be planted and landscaped to avoid unsightly views from our backyards. In addition, and most importantly, we are already an area of low lying land, dense with infamous Henrietta clay, and nearby wetlands. We have drainage problems to begin with. It would not be unreasonable to suggest that the development have the courtesy to extend the proposed and necessary sewer connection to the houses in close proximity to the industrial park. Extra and specific care should be taken to ensure that the development, driveways, parking lots and buildings don't add to their existing drainage issues. Thank you.

PETER MINOTTI, CHAIRMAN

Margaret, thank you. Peter, did you want to speak to possibly dark sky compliance and then maybe Mr. Martin would want to speak to any of the drainage issues or even obviously...

PETER VARS, P.E., BME ASSOCIATES

Yes, and I'll start with the drainage. Currently, yes, the drainage on the property, the drainage on the property currently drains in this direction here, southeast to northwest. There is a portion here that does drain to the east on to the lands of Empire Soccer but actually anything that goes to the east is actually being reduced, the area is being reduced because of the infrastructure that will be constructed with the proposed street. And then all, whatever development occurs to the east of the proposed road all of that will be collected and everything will be conveyed to the stormwater management areas that are located in the northwest corner of the property. These facilities will do what they are required to do, of control and treat the stormwater runoff before its then discharged to its current drainage path which are these wetlands area and there's a tributary and basically it finds its way to the Genesee River. So, with regards to drainage, there's very little that will be occurring up in this area in the vicinity of the single family homes. As it relates to buffering and parking and building lighting, all of that will be addressed by this Board, by the applicant, during the individual site plan review process. As Mr. LeFrois pointed out, this is really a picture to show what could be but it's not necessarily what it may end up being based on what users and occupants are attracted to this area; but what we do know is any proposal that is for here will come before this Board, it will be required to address all of the site plan requirements of the Town of Henrietta including the required buffering to, between an industrial zoned property and residential use, residential zones. It will be required to address dark sky compliant lighting of any parking or building mounted lighting, dark sky compliant lighting basically being full cutoff fixtures that just have a downward throw and even in this instance likely, as we know the Town Engineer does a very good job, they'll have shields on the residential sides of the fixtures so there actually will be no light cast in those directions. Landscaping, Mr. LeFrois has a very good record of installing proper landscaping when it comes to buffering his users and properties from adjoining properties.

RICHARD LEFROIS, PROPERTY OWNER

And I don't have a problem doing, in Phase I is constructing a berm. I'm kind of the berm guy around

town, along here, which will obviously shield houses, and I'm saying berm, maybe eight, ten foot (8'-10') tall, you know something that should help, I think, the items that you were talking about.

*(From audience, Margaret Churnetski, 258 Lehigh Station Road, "Okay. Planted or just bermed?)*

*(From audience, Richard LeFrois, Property Owner, "Planted.")*

*(From audience, Margaret Churnetski, 258 Lehigh Station Road, "One more thing, you said it's dormant land when in fact it was agricultural...")*

LAWRENCE NEILL, PLANNING BOARD MEMBER

Excuse me, could you come up again to the, we have to record this.

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

Yes. I'm sorry.

PETER MINOTTI, CHAIRMAN

Thank you.

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

I'm sorry. They said it was dormant land when in fact it was harvested, wheat harvested there just a couple of weeks ago, a week or two ago. So it was hardly dormant.

PETER MINOTTI, CHAIRMAN

That's a good point Margaret.

PETER VARS, P.E., BME ASSOCIATES

True. The property owner did have it leased with the farmer for this year.

PETER MINOTTI, CHAIRMAN

Yes. Margaret, did Mr. Vars get the answers to all of your notes, for the most part?

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

Most of them. I was very happy to hear that there's already some consideration of extending the sewer...

PETER MINOTTI, CHAIRMAN

Yes.

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

because that would be helpful. The property that you point to that would be on the furthest southeast sections do in fact drain not only into the soccer land but into the backyards.

PETER MINOTTI, CHAIRMAN

Margaret, which house is yours, just for our edification?

PETER VARS, P.E., BME ASSOCIATES

Right there? Correct? Right there.

MARGARET CHURNETSKI, 258 LEHIGH STATION ROAD

Yes.

PETER VARS, P.E., BME ASSOCIATES

Yes.

PETER MINOTTI, CHAIRMAN

Okay, alright so now we know, thank you Margaret. Is there anybody else that would like to speak on this application this evening? *(Pause, no response)* Let me go to the Board for questions or comments. Mr. Grunert.

JAMES GRUNERT, PLANNING BOARD MEMBER

Thank you, Mr. Chairman, nothing at this time.

PETER MINOTTI, CHAIRMAN

You're welcome. Thank you. Mr. Neill.

LAWRENCE NEILL, PLANNING BOARD MEMBER

Thank you Mr. Chairman, I'm all set for right now.

PETER MINOTTI, CHAIRMAN

And Mrs. Brill.

PATRICIA BRILL, PLANNING BOARD MEMBER

I have nothing at this time, thank you.

PETER MINOTTI, CHAIRMAN

Yes ma'am. Mr. Borkowski.

MATTHEW BORKOWSKI, PLANNING BOARD MEMBER

Can I just ask for some clarity, some clarification on what's the discussion with the sewer connection? She mentioned that there was some discussion about it.

PETER VARS, P.E., BME ASSOCIATES

What the sewer plan is, is public sewer, gravity sewer would be constructed along road A to serve the proposed parcels that would be developed along this road. What the sewer does, it will flow to the south, there will be a pump station located here, right at the intersection of the subdivision street and Lehigh Station Road. That in turn will pump the sewage up to the existing sewer located on John Street. This sewer on John Street is shallow, it's basically has been extended as far south as it can go. If you may recall, even with Empire Soccer they had to put a pump in for their building because they just couldn't get gravity sewer. Our point is, is through discussions with Town staff, this lift station is being designed both from a capacity standpoint and from a depth standpoint that would allow sewer extensions to the east and to the south and even to the west as necessary. So in another words, this station is not being installed just to serve this sixty-seven (67) acres, the staff has done their job from the standpoint of being sure if it's going to go in, let's make sure it can help serve other properties as necessary.

MATTHEW BORKOWSKI, PLANNING BOARD MEMBER

Okay, excellent. That's all I have.

PETER MINOTTI, CHAIRMAN

Thank you, Mr. Borkowski. If there are no more comments regarding this application, I will close this public hearing, the Planning Board will adjourn temporarily and we will move to the workshop momentarily. Thank you.

*(The public hearing of the Planning Board adjourned at 7:17 p.m. and workshop commenced after a momentary break.)*

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The first item on the agenda is the approval of the Regular Meeting Minutes of July 11, 2017 as presented.

**On motion of**  
Patricia Brill

**Seconded by**  
Matthew Borkowski

Duly put to a vote:

Matthew Borkowski	voting	Aye
Patricia Brill	voting	Aye
James Grunert	voting	Aye
Stephen R. MacIntyre	voting	Absent
Lawrence Neill	voting	Aye
Devon Van Vechten	voting	Absent
Peter Minotti, Chairman	voting	Aye

**Motion Carried**

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**Application No. PB-314 Lehigh Business Park** – For preliminary subdivision approval of an eleven (11) lot industrial business park on a 69.3 acre property located west of John Street and north of Lehigh Station Road in an Industrial Zoned District. Tax Account Nos. 174.02-1-15.1, 174.02-1-44.3 & 174.02-1-15.2.

**Representing Applicant:** Peter Vars, P.E., BME Associates  
Richard LeFrois, Property Owner

In regards to the above referenced application, the applicant stated that all staff comments can be addressed. The applicant also stated that the types of businesses found in this industrial park would be offices and light manufacturing. A landscaped berm will be provided as a buffer to the adjacent residences located along Lehigh Station Road. The building materials and color schemes will be similar to other buildings that have been constructed by LeFrois Builders. It was also noted that street lights and sidewalks are not part of this proposal. *(Town Clerk's Note: This application received SEQR approval by the Henrietta Town Board on June 7, 2017 when they issued a negative declaration.)*

A motion for preliminary subdivision approval was made and is subject to the Applicant addressing all

comments received from the Town of Henrietta and other concerned agencies to the satisfaction of the Director of Engineering & Planning, and more specifically:

**PLANNING BOARD CONDITIONS:**

- 1. There are no conditions from the Henrietta Planning Board at this time.

**On the Motion of**  
James Grunert

**Seconded by**  
Patricia Brill

Duly put to a vote:

Matthew Borkowski	voting	Aye
Patricia Brill	voting	Aye
James Grunert	voting	Aye
Stephen R. MacIntyre	voting	Absent
Lawrence Neill	voting	Aye
Devon Van Vechten	voting	Absent
Peter Minotti, Chairman	voting	Aye

**Motion Carried**

A motion for final subdivision approval was made and is subject to the Applicant addressing all comments received from the Town of Henrietta and other concerned agencies to the satisfaction of the Director of Engineering & Planning, and more specifically:

**PLANNING BOARD CONDITIONS:**

- 1. There are no conditions from the Henrietta Planning Board at this time.

**On the Motion of**  
Peter Minotti

**Seconded by**  
Lawrence Neill

Duly put to a vote:

Matthew Borkowski	voting	Aye
Patricia Brill	voting	Aye
James Grunert	voting	Aye
Stephen R. MacIntyre	voting	Absent
Lawrence Neill	voting	Aye
Devon Van Vechten	voting	Absent
Peter Minotti, Chairman	voting	Aye

**Motion Carried**

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**Application No. 17-010 Van Bortel Subaru** – For final site plan approval of an auto dealership on a 11.01 acre property located at 4211 West Henrietta Road in a Commercial B-1 Zoned District. Tax Account Nos. 175.06-02-84, 175.06-02-85 & 175.07-01-04. **(SEQR)**

**Representing Applicant:** Peter Vars, P.E., BME Associates  
Richard Mitchell, Mitchell Design Build

In regards to the above referenced application, the applicant stated that all staff comments can be addressed. The project consists of constructing a thirty-six thousand, two hundred square foot (36,200 S.F.) car dealership that will include sales, service and a showroom with additional space for offices. More than five hundred and twenty (520 +) parking spaces will be provided for customers, inventory and employees of the dealership. About point twenty-three (0.23) acres of wetland will need to be filled in therefore the creation of additional wetlands somewhere else on site will be required. A portion of the one hundred year floodplain will also require modification. There will be two (2) entrances to the dealership; the northern entrance will use the existing curb cut for the former Auto Exchange business, the southern entrance will be a combined driveway with Channel 13 opposite of Calkins Road. Lighting that will be located adjacent to the residential areas will have cut off fixtures with shields. All lighting will be LED fixtures on twenty foot (20') high poles and bumper lights will be affixed to these poles along West Henrietta Road and along the south side of the southern parking lot to help illuminate the vehicle inventory. Landscaping will be provided along West Henrietta Road and the Board would like to see additional plantings in front of the building as well. It was also noted that snow storage areas would be located at the northern and western areas of the parking lot.

**With regard to Application No. 17-010**, SEQR review indicates the Action under consideration is an Unlisted Action as per Section 617.7(c)(1)(viii). The Henrietta Planning Board, as Lead Agency, has determined that the proposed Action described below will not have a significant effect on the environment and that a draft Environmental Impact Statement will not be required.

The Action under consideration is a site plan application by Mitchell Design Build. It is an Unlisted Action and will not require a conditioned negative declaration. The purpose of this Application is for final site plan approval of a Van Bortel Subaru Henrietta auto dealership on an 11.01 acre property located at 4211 West Henrietta Road in a Commercial B-1 Zoned District. Tax Account Nos. 175.06-2-84, 175.06-2-85 and 175.07-1-4.

All relevant areas of environmental concern were identified. Evaluation and examination were carefully made in relation of the existing conditions versus the proposed site improvements. It has been determined that there will be no adverse environmental effect as a result of the proposed Action.

Peter Minotti therefore made the motion that the Henrietta Planning Board make a Negative Declaration and authorize the Planning Board Chairman to sign the Statement of Environmental Significance. Patricia Brill seconded the motion.

Duly put to a vote:

Matthew Borkowski	voting	Aye
Patricia Brill	voting	Aye
James Grunert	voting	Aye
Stephen R. MacIntyre	voting	Absent
Lawrence Neill	voting	Aye
Devon Van Vechten	voting	Absent
Peter Minotti, Chairman	voting	Aye

**Motion Carried**

A motion for final site plan approval was made and is subject to the Applicant addressing all

comments received from the Town of Henrietta and other concerned agencies to the satisfaction of the Director of Engineering & Planning, and more specifically:

**PLANNING BOARD CONDITIONS:**

1. The applicant must secure approval of the traffic impact study by the New York State Department of Transportation.

**On the Motion of**  
Lawrence Neill

**Seconded by**  
James Grunert

Duly put to a vote:

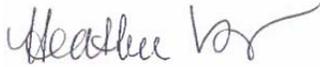
Matthew Borkowski	voting	Aye
Patricia Brill	voting	Aye
James Grunert	voting	Aye
Stephen R. MacIntyre	voting	Absent
Lawrence Neill	voting	Aye
Devon Van Vechten	voting	Absent
Peter Minotti, Chairman	voting	Aye

**Motion Carried**

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A motion to adjourn was made by Matthew Borkowski and passed unanimously at 8:33 p.m.

Respectfully submitted,



Heather Voss  
Deputy Town Clerk



**TOWN OF HENRIETTA**

County of Monroe • State of New York  
475 Calkins Road, P.O. Box 999, Henrietta, N.Y. 14467  
(585) 334-7700 • [www.henrietta.org](http://www.henrietta.org)

**JACK W. MOORE**  
Supervisor

**PETER C. MINOTTI**  
Deputy Town Supervisor

**JANET B. ZINCK**  
**M. RICK PAGE**  
**KENNETH H. BREESE**  
**SCOTT M. ADAIR**  
Council Members

April 24, 2017

Van Bortel Subaru of Rochester, Inc.  
4211 West Henrietta Road, LLC  
6327 State Route 96  
Victor, NY 14564

Re: Application No. 2017-017 – **Van Bortel Subaru of Rochester, Inc.** – 4211 West Henrietta Road, to operate a car dealership with a motor vehicle showroom, sales, and service facility, in a Commercial B-1 Zoned District, Tax Account Nos. 175.06-2-84, 175.06-2-85, and 175.07-1-4, or as more particularly described in plans on file in the Town Clerk's Office.

Dear Sir or Madam:

The Henrietta Town Board approved the above referenced Application at the Special Use Permit Hearing held on April 19, 2017.

Please be advised that this approval is subject to compliance with all comments made by the Fire Marshal/Building Inspector, the Director of Engineering and Planning, and any other concerned agencies.

This approval shall become null and void if no application for the appropriate permit or certificate is made within one year after the approval becomes final as set forth in Town Code Section §295-54 (B).

Also, be advised that this approval is further subject to compliance with all comments made and received during the Special Use Permit Hearing, as per the official Minutes of Record.

Should you have any questions or concerns, please contact the Building and Fire Prevention Department at (585) 359-7060.

Sincerely,

Jennifer L. Miranda  
Deputy Town Clerk and Receiver of Taxes

xc: Town Board / Peter C. Minotti, Deputy Town Supervisor / Building Department / Engineering Department / File

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 JUNE 7, 2017 AT 7:00 P.M.

RESOLUTION #11-115/2017

On Motion of  
Councilman Adair

Seconded by  
Councilwoman Zinck

WHEREAS, the Town of Henrietta received an application from LFS John Street, LLC (the "Application") requesting a rezoning of lands west of John Street and north of Lehigh Station Road, bearing Tax Map Nos. 174.02-1-15.1 and 174.02-1-15.2, comprising 67.4 +/- acres in total (the "Property"), from its current zoning designation of R-1-15 Residential to I Industrial, in order to construct a light industrial / office development, and

WHEREAS, on April 5, 2017, the Town Board was established as the lead agency for purposes of the environmental review pursuant to New York State Environmental Quality Review Act ("SEQR"), and

WHEREAS, on April 5, 2017, the Town Board held a public hearing to consider the Application, at which time all parties and citizens were afforded an opportunity to be heard, and

WHEREAS, the application was referred to and reviewed by Monroe County, and

WHEREAS, the Town Board has carefully considered and taken a hard look at all potential environmental impacts of the Project, carefully considering all documentary, testimonial, and other evidence presented to the Town Board prior to, at, and subsequent to the Public Hearing, together with any input from Town staff, and any applicable advisory boards and agencies, and

WHEREAS, the Town Board has completed Parts 2 and 3 of the EAF, which are attached hereto, and has carefully considered the information contained therein.

THEREFORE, BE IT RESOLVED, that pursuant to SEQR, the Town Board hereby adopts and approves the attached Parts 2 and 3 of the EAF.

BE IT FURTHER RESOLVED, that based upon the information, documentation, testimony, and findings, and after examining the relevant issues by taking a hard look and engaging in reasoned elaboration, the Town Board determines that the Project will not have a potentially significant adverse impact on the environment, and hereby issues a negative declaration.

Duly put to a vote:

Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Councilman Adair	voting	Aye
Supervisor Moore	voting	Aye

Carried

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 JUNE 7, 2017 AT 7:00 P.M.

RESOLUTION #11-116/2017

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Page

WHEREAS, the Town of Henrietta received an application from LFS John Street, LLC (the "Application") requesting a rezoning of lands west of John Street and north of Lehigh Station Road, bearing Tax Map Nos. 174.02-1-15.1 and 174.02-1-15.2, comprising 67.4 +/- acres in total (the "Property"), from its current zoning designation of R-1-15 Residential to I Industrial, in order to construct a light industrial / office development, and

WHEREAS, a local law effectuating such rezoning was prepared for consideration by the Town Board and said Local Law is attached hereto and made a part hereof, and

WHEREAS, a duly noticed Public Hearing was duly held at the Henrietta Town Hall on the 5<sup>th</sup> day of April, 2017, at 7:00 PM, and all parties in attendance were permitted an opportunity to speak in relation thereto, and

WHEREAS, the Town Board has carefully reviewed and considered documentary, testimonial, and other evidence presented to the Town Board prior to and at the Public Hearing, together with any input from Town staff, and any applicable advisory boards and agencies, 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 June 7, 2017, issued a Negative Declaration, determining that the Project will not have a significant adverse impact on the environment, and

WHEREAS, the Henrietta Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law effectuating the rezoning, since the rezoning and called for development would be consistent with the Henrietta Comprehensive Plan; and

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

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby adopts said Local Law No. 3 of 2017, to Amend the Official Zoning Map of the Town of Henrietta to Rezone Approximately 67.4 +/- Acres of Property at or about west of John Street and north of Lehigh Station Road (Tax Map #s 174.02-1-15.1 and 174.02-1-15.2), subject to the following conditions:

1. The lands subject of this rezoning shall not be used as a multiple dwelling use under the Henrietta Town Code, despite the fact that such use might otherwise be permitted via a special permit in the Town's Industrial District. As offered by the applicant/developer, the applicant/developer/owner, its successors and assigns, shall not apply for, or otherwise seek approval from the Town Board for the use of this land for multiple dwellings as that term is defined under the Town of Henrietta Code, and
2. As it relates to sewers, that the applicant/developer will construct the gravity sewer system to serve its proposed development, consistent with its letter dated May 24, 2017, and, in conjunction with the Town, shall assess the capacity of Pump Station #6. Should the Town

determine that sewer upgrades are required as a result of the development, applicant/developer shall be responsible for such upgrades, and

3. The applicant/owner shall carry out the mitigation measures set forth in its Traffic Study dated March, 2017 and shall also comply with the traffic comment letter dated May 11, 2017 issued by the Monroe County Department of Transportation, including:

a. Addressing the need for an eastbound left turn lane at the Site Access and Lehigh Station Road after 200,000 SF of build-out of the Project, if further studies show such turn lane is warranted. The applicant/owner shall complete a follow-up traffic study once the development has progressed beyond the projected trip generations for 200,000 SF of build-out as set forth in their Traffic Study. The results of such study shall be provided to the Monroe County DOT, which shall determine whether the left turn lane is warranted. If the County determines the lane is warranted, the owner/applicant shall install such lane to the County's satisfaction.

b. The owner/applicant shall coordinate with Monroe County DOT to ensure that it contributes its "fair share" to the County, all as set forth in the DOT's May 11, 2017 letter, in order to pay for its share of traffic improvements needed as a result of this proposal's impacts in the vicinity of the proposal, which improvements may include signal timing adjustments, turn lanes, a new traffic signal, additional turning lanes, etc.

c. The completion and submission of traffic studies to the Monroe County DOT to determine whether any additional traffic improvements may be warranted by the proposal as it is completed, all as set forth in the Applicant's Traffic Study, as follows:

- i. After Phase 1 for the Riverwood TIS Project,
- ii. At approximately 40,000 SF build-out of this Project,
- iii. At approximately 150,000 SF build-out of this Project, and
- iv. At approximately 200,000 SF build-out of this Project.

Should the above studies show that this project has contributed to the need for traffic improvements, the applicant/owner shall work cooperatively with the Monroe County DOT to contribute its fair share towards those improvements which are determined to be required by the County as a result of this project, and

4. Before the issuance of any building permits for construction, the development of this land shall obtain Site Plan Approval and Subdivision Approval from the Town of Henrietta, as required by the Town Code.

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:

Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Councilman Adair	voting	Aye
Supervisor Moore	voting	Aye

Carried

AFFIDAVIT OF POSTING

STATE OF NEW YORK )  
COUNTY OF MONROE ) ss:

Heather Voss, being duly sworn, deposes and says that:

1. I am employed by the Town of Henrietta as Deputy Town Clerk.
2. On July 27, 2017, I duly posted notice relating to PB-314, Lehigh Business Park, Planning Board Public Hearing at the following location(s):
  - a. Town Clerk's Bulletin Board
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
3. A true and accurate copy of the notice posted by me is attached hereto.

Heather Voss

Sworn to before me this 27 day of July, 2017.

J.L. Miranda  
Notary Public

JENNIFER L. MIRANDA  
NOTARY PUBLIC, State of New York  
Monroe County, No. 01MI6329884  
Commission Expires 08/31/2019





**TOWN OF HENRIETTA**

County of Monroe • State of New York  
475 Calkins Road, P.O. Box 999, Henrietta, N.Y. 14467  
(585) 334-7700 • www.henrietta.org

JACK W. MOORE  
Supervisor

PETER C. MINOTTI  
Deputy Town Supervisor

JANET B. ZINCK  
M. RICK PAGE  
KENNETH H. BREESE  
SCOTT M. ADAIR  
Council Members

**PUBLIC HEARING**

A Public Hearing will be held before the Henrietta Planning Board on Tuesday, August 8, 2017 at 7:00 P.M., at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, NY 14467 for the purpose of hearing any comments with regard to the following Applications:

**Application No. PB-314 Lehigh Business Park** – For preliminary subdivision approval of an eleven (11) lot industrial business park on a 69.3 acre property located west of John Street and north of Lehigh Station Road in an Industrial Zoned District. Tax Account Nos. 174.02-1-15.1, 174.02-1-44.3 & 174.02-1-15.2.

The public is cordially invited to attend and be heard.

PLEASE PUBLISH:  
HENRIETTA POST  
ISSUE: 07/27/2017