

PUBLIC HEARING

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 NOVEMBER 16, 2016 AT 7:00 P.M.

RESOLUTION #22-213/2016

On Motion of
Councilman Breese

Seconded by
Councilman Page

WHEREAS, the Henrietta Town Board is currently considering rezoning parcels of land approximately 11.7 acres in size commonly known as the Calkins Road and East Henrietta Road parcels, Henrietta, NY (tax map parcels 176.06-1-22, 162.18-2-84.002, 162.18-2-84.001, 162.18-2-84.112, and 162.18-2-1.001) (the "Property") from Residential R-1-15 to B-1 Commercial, and

WHEREAS, said Property is currently the home of several retail establishments and therefore currently being used in a commercial manner, despite its Residential zoning, as a preexisting nonconforming use, so that rezoning to commercial will have no appreciable effect on the use of the Property, and

WHEREAS, the Attorney for the Town of Henrietta has prepared a draft Local Law to authorize such rezone.

THEREFORE, BE IT RESOLVED, by the Henrietta Town Board, that a Public Hearing shall be had on the 21st day of December 2016, at 7:00 p.m., for the purpose of adopting such Local Law for rezoning.

BE IT FURTHER RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

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

LOCAL LAW NO. ____ OF 2016 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF HENRIETTA TO REZONE PROPERTY COMMONLY KNOWN AS THE CALKINS ROAD AND EAST HENRIETTA ROAD PARCELS, HENRIETTA, NY (TAX MAP PARCELS 176.06-1-22, 162.18-2-84.002, 162.18-2-84.001, 162.18-2-84.112, AND 162.18-2-1.001) FROM RESIDENTIAL R-1-15 TO B-1 COMMERCIAL

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 Section 10.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. ____ of 2016 to Amend the Official Zoning Map of the Town of Henrietta to Rezone Property Commonly known as the Calkins Road and East Henrietta Road Parcels, Henrietta, NY (tax map parcels 176.06-1-22, 162.18-2-84.002, 162.18-2-84.001, 162.18-2-84.112, and 162.18-2-1.001) from Residential R-1-15 to B-1 Commercial. The purpose of this Local Law is to rezone the subject lands from the aforementioned Residential R-1-15 zoning to B-1 Commercial zoning so that the land's zoning designation is consistent with its long-established and current use.

Section III. Legislative Finding

The Town Board of the Town of Henrietta finds and hereby determines that it is in the public interest to rezone the subject lands such that the land's zoning designation is consistent with its long-established and current use, which use is consistent with the land's surrounding uses.

Section IV. Amendment

The Town of Henrietta Official Zoning Map, on file in the Town Hall, 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, commonly known as the Calkins Road and East Henrietta Road Parcels, Henrietta, NY, tax map parcels 176.06-1-22, 162.18-2-84.002, 162.18-2-84.001, 162.18-2-84.112, and 162.18-2-1.001, is hereby zoned and designated as follows, subject to all regulations created and established relative to the applicable zoning designations that follow.

Said Property shall be rezoned from Residential R-1-15 zoning to B-1 Commercial, all as more particularly described in the metes and bounds description that follows.

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 tis 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.

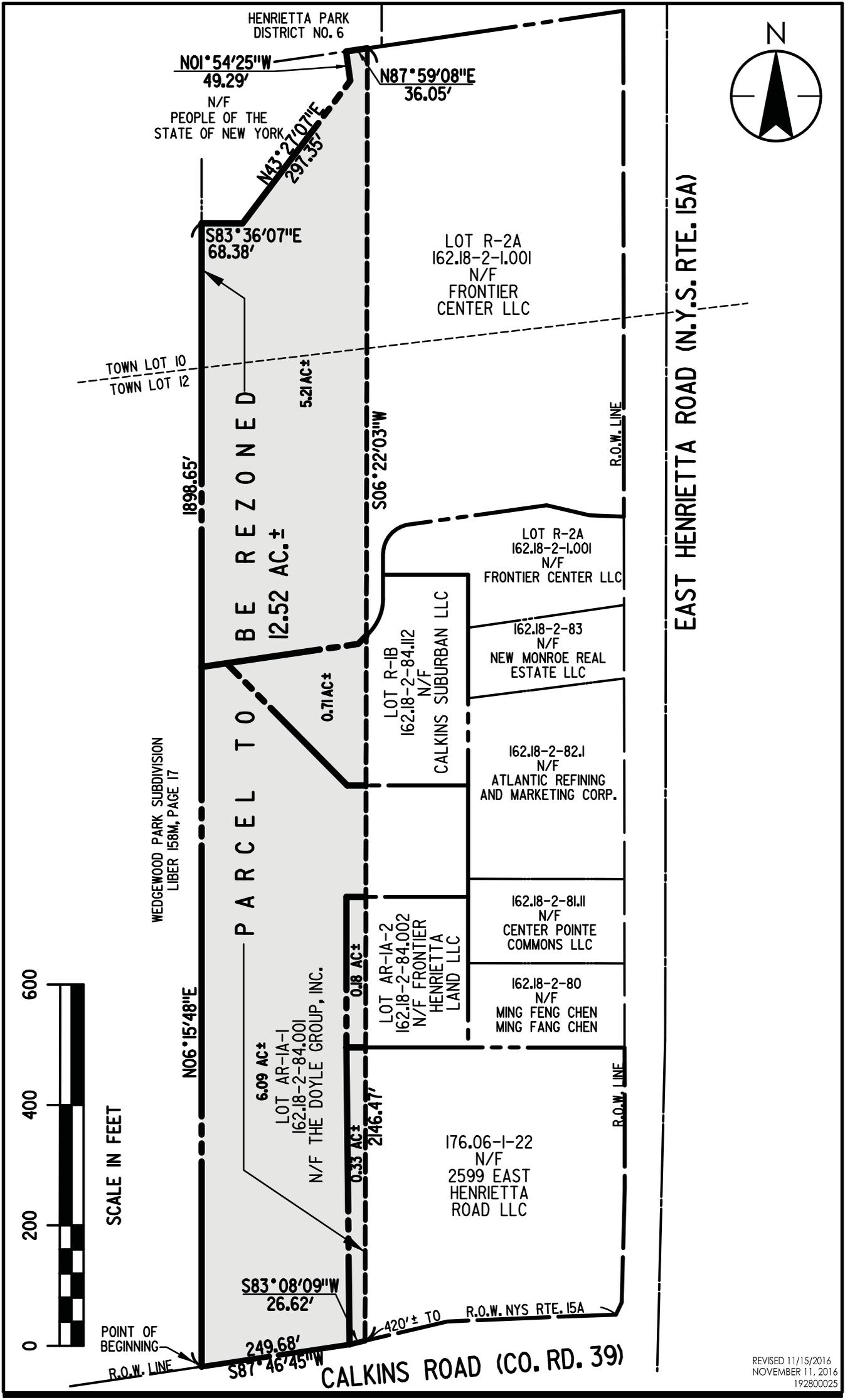
Description of Property to be Rezoned

All that tract or parcel of land containing 12.52 acres, more or less, situate in Town Lot 10 and Town Lot 12 in the Third Range of Lots, Township 12, Range 7, Phelps and Gorham Purchase, in the Town of Henrietta, County of Monroe, State of New York, and being more particularly bounded and described as follows:

Beginning at a point in the northerly right-of-way line of Calkins Road (County Road 39) where said is intersected by the line dividing the Wedgewood Park Subdivision, as shown on a map filed in the Monroe County Clerk's office in Liber 158 of Maps at Page 17 on the west, and the Suburban Plaza Subdivision, as shown on maps filed in the Monroe County Clerk's office in Liber 348 of Maps at Page 80 and Liber 340 of Maps at Page 80 on the east; thence

1. N 06°15'48" E, along the said dividing line, a distance of 1898.65 feet to a point; thence the following three (3) courses along the southerly and easterly lines of lands owned by the People of the State of New York
2. S 83°36'07" E, a distance of 68.38 feet to a point; thence
3. N 43°27'07" E, a distance of 297.35 feet to a point; thence
4. N 01°54'25" W, a distance of 49.29 to a point on the southerly line of lands of Henrietta Park District #6; thence
5. N 87°59'08" E, along said southerly line of Henrietta Park District #6, a distance of 36.05 feet to a point; thence
6. S 06°22'03" W, through Lots R-2A (T.A. ID. 162.18-2-1.001), R-1B (T.A. ID. 162.18-2-84.112), AR-1A-1 (T.A. ID. 162.18-2-84.001), and AR-1A-2 (T.A. ID. 162.18-2-84.002) of the Suburban Plaza Subdivision and the property of 2599 East Henrietta Road, LLC (T.A. ID. 176.06-1-22) and along the current westerly line of the Commercial B-1 zone, a distance of 2146.47 feet to a point in the aforementioned north line of Calkins Road; thence the following two (2) courses along said north line of Calkins Road
7. S 83°08'09" W, a distance of 26.62 feet to a point; thence
8. S 87°46'45" W, a distance of 249.68 feet to the Point of Beginning.

Intending to describe all those portions of Tax Parcels 162.18-2-1.001, 162.18-2-84.112, 162.18-2-84.001, 162.18-2-84.002, and 176.06-1-22 that are currently included in the Residential R-1-15 zone.



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Client/Project
 DOYLE SECURITY SYSTEMS, INC.
 REZONING OF CALKINS ROAD
 AND SUBURBAN PLAZA PROPERTIES

Figure No.
 V-1

Title
 LANDS TO BE REZONED
 TOWN OF HENRIETTA