

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Henrietta

FILED
STATE RECORDS

DEC 30 2016

DEPARTMENT OF STATE

Local Law No. 4 of the year 2016

A local law to Amend the Official Zoning Map of the Town of Henrietta to Rezone Property Commonly

(Insert Title)

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
(Name of Legislative Body)

County City Town Village
(Select one.)

of Henrietta

as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2016 of the (County)(City)(Town)(Village) of Henrietta was duly passed by the Town Board on December 21 2016, in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.)~~
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted _____ (Elective Chief Executive Officer) _____ 20____, in accordance with the applicable provisions of law.

~~3. (Final adoption by referendum.)~~
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer)

~~Such local law was submitted to the people by means of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~6. (City local law concerning Charter Revision proposed by petition.)~~

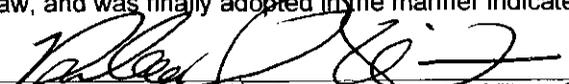
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

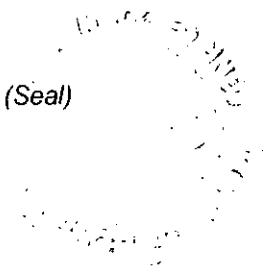
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 93 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/22/2016



(Seal)

Local Law Filing

www.dos.state.ny.us/corps

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Henrietta

Local Law No. 4 of 2016

A Local Law 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 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. 4 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-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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 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.

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 DECEMBER 21, 2016 AT 7:00 P.M.

RESOLUTION #24-241/2016

On Motion of
Councilman Breese

Seconded by
Councilman Page

WHEREAS, Resolution #22-213/2016 was duly adopted by the Town Board of the Town of Henrietta calling for a Public Hearing to be held by the Henrietta Town Board on the 21st day of December 2016 at the Henrietta Town Hall, 475 Calkins Road, Henrietta, NY at 7:00 p.m., to hear all interested parties on the proposed Local Law to rezone a parcel of land approximately 12.52 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 Commercial B-1, and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with law, and

WHEREAS, said Public Hearing was duly held at the Henrietta Town Hall on the 21st day of December 2016 at 7:00 p.m., and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof, and

WHEREAS, the Town Board of the Town of Henrietta, after due deliberation, finds it in the best interest of the Town to adopt said rezoning Local Law, since the Property is currently the home of existing retail buildings 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 Town Board of the Town of Henrietta finds that the Henrietta Town Code and Town Zoning Map should be amended as set forth herein, and

WHEREAS, after consideration by the Henrietta Town Board that the requested rezoning change does not exceed one or more thresholds for an Unlisted Action, as listed in Section 617.7 of the New York State Environmental Quality Review Act (SEQR), and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA) such an Action is an Unlisted Action, and

WHEREAS, an Environmental Assessment Form (EAF) has been prepared and reviewed for the proposed rezoning, and

WHEREAS, the Henrietta Town Board declares its intent to be the Lead Agency for the Environmental Quality Review, and

WHEREAS, the Henrietta Town Board is the sole approval board or agency affected by this Action, and

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by this rezoning, pursuant to Section 617.7 of SEQR.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency status for the environmental review of described rezoning under the State Environmental Quality Review Act (SEQR) and has determined that the proposed Action therein described will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be required and therefore issues a Negative Declaration.

BE IT FURTHER RESOLVED, that a Negative Declaration under the State Environmental Quality Review Act (SEQR) annexed to this Resolution be and hereby is adopted and the Town Supervisor and Town Staff are hereby directed to take all action necessary to effectuate this Negative Declaration, including but not limited to filing the Negative Declaration, as required under the State Environmental Quality Review Act (SEQR).

BE IT FURTHER RESOLVED, that the Town Board and the Town of Henrietta hereby adopts said Local Law No. 4 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 Commercial B-1, which Local Law is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Henrietta be and hereby 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

TOWN CLERK CERTIFICATE NO. 439

STATE OF NEW YORK
MONROE COUNTY

ss.

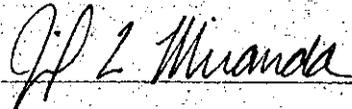
Office of the Clerk of the

TOWN OF HENRIETTA

(SEAL)

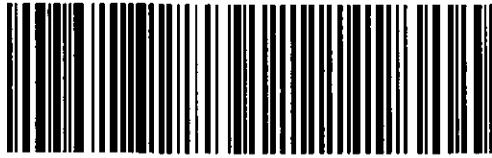
This is to certify that I, Jennifer L. Miranda, Deputy Town Clerk and Receiver of Taxes of the Town of Henrietta in the said County of Monroe, have compared the foregoing copy of Resolution #24-241/2016 Adopting Local Law No. 4 of 2016 to Amend the Official Zoning Map of the Town of Henrietta to Rezone 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 with the original now on file in this office, and that the same is a correct and true transcript of such original and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town this 22nd day of December, 2016.



Deputy Town Clerk and Receiver of Taxes of the Town of Henrietta,
Monroe County, New York

JENNIFER L. MIRANDA
TOWN OF HENRIETTA
475 CALKINS RD
ROCHESTER, NY 14623-4241



9214 8901 0661 5400 0100 1527 73

RETURN RECEIPT (ELECTRONIC)

NYS DEPARTMENT OF STATE DIVISION OF
CORPORATIONS, STATE RECORDS
AND UNIFORM COMMERCIAL CODE
99 WASHINGTON AVENUE
1 COMMERCE PLZ
ALBANY, NY 12210-2822

CUT / FOLD HERE

6"X9" ENVELOPE
CUT / FOLD HERE

CUT / FOLD HERE

CUT / FOLD HERE