

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 JULY 2, 2025 AT 6:00 P.M.

RESOLUTION #12-267/2025 To adopt Local Law No. 11 of 2025 to amend the Zoning Code of the Town of Henrietta to clarify uses allowed with a Special Use Permit and prohibited uses in Planned Commercial Districts.

On Motion of
Supervisor Schultz

Seconded by
Councilmember Page

WHEREAS, Henrietta Town Code §295-20[B] details the permitted and prohibited uses within a PCD Planned Commercial District in the Town’s Zoning Code; and

WHEREAS, the current Code for §295-20[B](3), details which uses are prohibited within the district, and includes a number of permitted uses that do not exist in either of the subsections that detail the permitted uses, leading to confusion as to what uses are or are not permitted; and

WHEREAS, the Town Board believes it is in the best interest of the Town to allow some car dealerships (also known as motor vehicle showroom, sales, and service facilities) in the district, but to limit where those car dealerships can be located within the district – specifically to allow them only along the western portion of Marketplace Drive where commercial development has been lagging and there have been empty buildings for long periods of time as they are more difficult to find tenants for, in part due to them being off the more traveled routes of Hylan Drive and Jefferson Road; and

WHEREAS, Town Board Resolution #9-208/2025, passed on May 21, 2025, called for public hearings to be advertised, and were held on June 11th and July 2nd of 2025 where all interested parties were given the chance to offer comments on the proposed local law, attached hereto, and sent to potential interested or involved agencies to receive feedback from those agencies; and

WHEREAS, after reviewing all of the feedback received, and after careful deliberation, the Town Board has determined it is in the best interest of the Town to adopt the local law to clarify the permitted and prohibited uses and to limit the permitted use of car dealerships to the western portion of Marketplace Drive away from Hylan Drive and Jefferson Road; and

WHEREAS, this action is considered a Type II action under SEQR, and not considered to have any potential adverse impacts.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board, pursuant to SEQR, hereby issues a Negative Declaration for this action.

BE IT FURTHER RESOLVED, that the Town adopts the attached Local Law No. 11 of 2025 to clarify the permitted and prohibited uses in a PCD Planned Commercial District and to limit the permitted use of a car dealership to the western portions of Marketplace Drive away from Hylan Drive and Jefferson Road.

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	No
Supervisor Schultz	Aye

RESOLUTION ADOPTED

LOCAL LAW No. 11 of 2025

A Local Law to amend the Zoning Code of The Town of Henrietta to clarify uses allowed with a Special Use Permit and prohibited uses in Planned Commercial Districts

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. 11 of 2025 to amend the Zoning Code of the Town of Henrietta to clarify uses allowed with a Special Use Permit and prohibited uses in planned commercial districts.

Section III. Legislative Finding

The Town Board of the Town of Henrietta finds and hereby determines that the format of Henrietta Code § 295-20 regarding Planned Commercial Districts (PCD) is confusing as to what uses are allowed with a Special Use Permit and what uses are prohibited. The purpose of this Local Law is to amend the Henrietta Town Code to clarify those uses that are allowed with a Special Use Permit and those uses which are prohibited.

Section IV. Amendment

Section 295-20 B (2) is hereby modified to include the following subsections (k), (l), and (m) as follows:

- (k) Public garages.
- (l) Gasoline filling stations and motor vehicle service and supply stations, for which consideration of the granting of a special use permit shall further include the requirements set forth in § 295-48 of this chapter for gasoline filling stations and motor vehicle service and supply stations.
- (m) Motor vehicle showroom, sales, and service facilities, but only on lots fronting Marketplace Drive that are located on the west side of Marketplace Drive and located no closer than 600' from Hylan Drive.

Section 295-20 B (3) is hereby modified to read as follows:

- (3) Prohibited uses. All uses prohibited in B-1 Commercial Districts, § 295-15, shall be prohibited in PCD Planned Commercial Districts, except those expressly permitted in subsection (1) or (2) above.

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.