

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 10, 2025 AT 6:00 P.M.

RESOLUTION #21-428/2025 To adopt Local Law No. 13 of 2025 to amend the Zoning Code of the Town of Henrietta to authorize the creation of and to promulgate regulations for Historic Districts within the Town.

On Motion of
Councilmember Stafford

Seconded by
Councilmember Barley

WHEREAS, Article X of Chapter 295 of the Henrietta Town Code details the protections, regulations, and processes surrounding the designation of historic properties; and

WHEREAS, the Town wishes to add support for the creation of Historic Districts; and

WHEREAS, the proposed local law was available online and at the Town Clerk's Office and public hearing were duly advertised for and held on October 15, November 6, November 19, and December 10, 2025 with attendance both in-person and virtually through Zoom teleconference or dial in access for the purposes of gathering feedback with regards to said proposed Local Law.

THEREFORE, BE IT RESOLVED, that the Town adopts the attached Local Law No. 13 of 2025 to amend the Zoning Code of the Town of Henrietta to Authorize the Creation of and to Promulgate Regulations for Historic Districts within the Town.

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. 13 of 2025

A Local Law to amend the Zoning Code of The Town of Henrietta to authorize the creation of and to promulgate regulations for historic districts within the town.

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 and General Municipal Law § 96-a.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 13 of 2025 to amend the Zoning Code of the Town of Henrietta to authorize the creation of historic districts within the town and to promulgate regulations for properties located within those districts.

Section III. Legislative Finding

The Town Board of the Town of Henrietta finds and hereby determines that there are areas within the town that contain several structures and properties of historical significance or special character. The Board further finds and determines that the creation of historic districts will serve to preserve the historical and architectural character of sites and structures within the districts and will prevent impairment or injury to the historical or special character of said sites and structures.

Section IV. Amendment

Section 295-38 is hereby modified to read as follows:

§ 295-38 Standards for designation of historic sites or historic districts

A. Individual Properties:

A property shall be considered for designation if at least two of the following factors are provided:

- (1) The presence of special historical interest relating to local, state, or national history.
- (2) The presence of special character or aesthetic interest or value caused by the development pattern of the area or by natural, landscaping or topographical features of the area.
- (3) The presence of one or more periods or styles of architecture typical of one or more eras in the history of the Town which gives the area a distinct character.
- (4) The concentration of indigenous examples of local architecture which have not been significantly altered from their original designs, and which have a uniform scale and derive special value from the repetition of scale and form.

- (5) The presence of one or more distinguished buildings of high architectural quality and historic interest.

B. Historic Districts

A historic district should be considered where there is a defined section of the community containing buildings, structures, properties, or sites that have been designated historically or architecturally significant along a common time period, architectural style, or other consistent theme that defines the character of the historic district being created. Specific goals and purpose behind the creation of a historic district include:

- (1) Preserve the historical and architectural character of certain sites, structures or districts within the historic district.
- (2) Prevent impairment of or injury to the historical, architectural and cultural value to the community of the properties.
- (3) Provide that a reasonable degree of control may be exercised over alterations to such properties and over the alteration, architectural design and construction of structures erected or to be erected on any such sites or in such districts.
- (4) Foster civic pride in the accomplishments of the past.
- (5) Protect and enhance the historic districts attractiveness to visitors.
- (6) Support and stimulate the economic activities provided by tourism.
- (7) Stabilize and improve property values.
- (8) Ensure the harmonious, orderly, and efficient growth and development of the historic district.

Section 295-40.1 shall be added to the Code and shall read as follows:

§ 295-40.1 Creation of Historic Districts

- A. Authority. The Town Board shall have the authority, in accordance with the procedures and standards hereinafter established, to create and to designate Historic Districts within the Town and to amend or rescind such designations as from time to time shall seem appropriate.
- B. Initiation. Proceedings for the designation of historic districts may be initiated by the Town Board or the Henrietta Historic Site Committee.
- C. Public Hearing and Vote. A public hearing must be called, advertised in advance, with a notice mailed to all affected properties. The notice must include the specifics of the district including the intent, historic character being preserved, district -specific regulations, and a map designating (i) contributing properties, (ii) properties eligible to be contributing properties, (iii) properties ineligible to be contributing properties, and (iv) properties already designated as non-contributing

properties.

D. Contributing Properties: During the creation of a district, there will be both contributing and non-contributing properties within the district. When creating a new district, the district boundaries should be drawn to minimize the number of non-contributing properties, unless there is a historical reason for larger boundaries.

(1) Contributing - properties within the boundaries of a historic district that contribute to the significance of the historic district. These include the following sub-categories:

(a) Contributing-Designated – these are properties that align with the parameters of the district and have been designated on a Federal, State, or Local historic registry.

(b) Contributing-Eligible – these are properties that align with the parameters of the district and are eligible to be designated on a Federal, State, or Local historic registry.

(2) Non-Contributing – properties that are included within the boundaries of historic districts but that do not contribute to the significance of the district. These include the following sub-categories:

(a) Non-Contributing-Structured – these are properties that contain structures that do not align with the district and are thus, non-contributing properties in the district.

(b) Non-Contributing-Vacant – these are properties that are currently vacant and that do not contain any former historic structure, occupant, or other historic significance and are thus, non-contributing properties in the district.

E. Created Historic Districts:

The following historic districts have been created in the Town of Henrietta:

INTENTIONALLY LEFT BLANK

Section 295-40.2 shall be added to the Code and shall read as follows:

§ 295-40.2 Historic District Regulations

A. Additional Regulations:

Unless expressly stated otherwise, the regulations defined here are not in place of other zoning regulations but are in addition to those other zoning regulations.

B. Property Maintenance

(1) Contributing properties must be maintained with their historic features altered as little as possible, pursuant to § 295-39. This includes choice of materials, proportion and arrangement of windows, shutters, doors, and other wall features, as well as roof shape and roofing material.

- (2) Both contributing and non-contributing properties must be maintained such that they remain visually compatible with the surrounding properties. This includes the proportion of the property's front façade, green space in front of the buildings, and maintenance of setbacks from the street and adjoining properties.
- (3) All modifications, alterations, or new construction to contributing properties, and any significant modifications, alterations, or new construction to non-contributing properties, within an historic district are subject to review by the Historic Site Committee.
 - (a) For contributing properties, this review is regarding maintaining the historic features as described above. When a permit application is received, the Building Department will send it to the Historic Site Committee for review as detailed in § 295-39.
 - (b) For non-contributing properties, this review is with regard to not detracting from the surrounding historic properties or the overall character of the historic district. When a permit application is received, the Director of Building and Fire Prevention or designee may determine that the proposed action will have an insignificant impact on the character of the historic district and will have no impact on any adjacent historic or contributing property, in which case, a building permit may be issued. If it is determined that the proposed action will have an impact on the character of the historic district that is not insignificant or that it will have any impact on an adjacent historic or contributing property, then the approval process defined in § 295-39 shall be followed.

C. New Construction, Remodeling, and Restoration

- (1) Architecture. New or remodeled structures built within a historic district must align with the character of the neighborhood for the historic district. This includes overall architectural design, building materials used, size and height of the structure, unbroken large façades, size of windows, and such. All new architectural plans must be reviewed by the Historic Site Committee prior to the issuance of a building permit.
- (2) Site plan. Adequate setbacks from the road as well as from adjacent properties must be maintained on the site plans, as per the specific requirements of the historic district and/or overall zoning requirements. Transition buffers must be maintained when commercial, industrial, or multi-family uses are built adjacent to other residential properties, as governed by § 295-60, paragraph E.
- (3) Accessory structures and site amenities. All accessory structures and site amenities constructed, installed, or remodeled on a property within the historic district must meet the same building material and character of neighborhood requirements of the primary structure.
- (4) Preservation of historic structures when remodeling. If a property is being redeveloped and/or a specific structure is being remodeled, the existing historic buildings shall be

preserved and protected. Removal of historic materials or alterations of historic features of the building must be avoided. Restoration and rehabilitation of historic structures must adhere to the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. When adding to an existing historic structure, the addition should be done in a manner to minimize the damage to the historic structure and facilitate the restoration of the historic structure should the addition be removed. Large additions should be avoided, with alternatives considered such as creating a new accessory structure that is consistent in the character of the original structure, but separate from it, or perhaps connected by a covered or conditioned hallway that minimizes the disturbance of the original historic structure.

- (5) Restoration of a historic structure. Deteriorated historic features should be repaired rather than replaced whenever possible. Where the historic material is too far deteriorated, the replacement material should match the original historic feature in design, color, texture, material, and other visual qualities. Replacement of deteriorated or missing materials or features should be documented with the Historic Site Committee. The removal of non-historic materials and building additions will be permitted after review by the Historic Site Committee to ensure those elements are non-historic in nature. When considering chemical or physical restoration and cleaning methods, the use of methods approved for the historic structure is encouraged. Methods that are more caustic or destructive, such as sand-blasting, should be avoided. Whenever possible, contractors with experience working on historic properties, especially the specific type of historic property (e.g. cobblestone or fieldstone with historic mortar joints) should be employed.
- (6) Coordination with existing structures. When new buildings are added to a property or associated property (i.e. was once part of the same property) with a historic structure, they shall be added in such a manner as to preserve the original historic structure, including with regard to the existing viewshed to the road. No new building may be closer to the road than the existing structure unless expressly permitted in a Special Use Permit first obtained from the Town Board after a public hearing as provided in Article XII of this chapter.
- (7) Preservation of archeological resources. Archeological resources and sites within the historic district shall be protected and preserved, preferably being left undisturbed. If it is necessary to work in an area with archeological resources, mitigation measures must be undertaken and any historic or archeological resources protected and/or worked on by individuals licensed for such work.
- (8) Approvals required. For any contributing property, the approval process defined in § 295-39 shall be followed. For non-contributing properties, the Director of Building and Fire Prevention or designee may determine that the proposed action will have an insignificant impact on the character of the historic district and will have no impact on any adjacent historic or contributing property, in which case, a building permit may be issued. If it is determined that the proposed action will have an impact on the character of the historic

district that is not insignificant or that it will have any impact on an adjacent historic or contributing property, then the approval process defined in § 295-39 shall be followed.

D. Demolition

Any structure within a Contributing property in a historic district must follow the procedures detailed in § 295-40. This is not a requirement for Non-Contributing properties within a historic district unless those properties carry a separate historic designation.

Section 295-39, paragraphs A, C and D, shall be modified such that it shall read as follows:

- A. Prior to issuance of a building permit or prior to construction if no building permit is required, all modification, alteration or new construction within an historic site is subject to review by the Historic Site Committee and, if necessary, approval by the Town Board as set forth herein.
- C. Within 30 days of the receipt of application for plan review, the Historic Site Committee shall forward a recommendation to the Town Board. If, in the opinion of the Historic Site Committee, the alteration, modification, or new construction has an insignificant impact such that a full review by the Town Board is unwarranted, then the recommendation to the Town Board shall include that determination. Unless there is an objection by any member of the Town Board, within five days of receiving the letter, then the recommendation from the Historic Site Committee shall suffice to proceed with the planned alteration, modification, or new construction.
- D. If the change is not insignificant, a Town Board member objects to it being determined to be insignificant, or a potential variance is needed as part of the alteration, modification, or new construction, then the matter shall be taken up by the Town Board. The Town Board shall render a determination yes or no on whether to proceed within 45 days of receipt of the recommendation from the Historic Site Committee. In rendering such determination, the Town Board may permit a reduced or alternate solution than what was proposed and may also determine to permit a variance from any area or bulk requirements that may be required by the Zoning Code, but only to the extent needed to proceed with the subject proposed alteration, modification or new construction. The Town Board may grant such variance only where it determines that it would align with the intent of this chapter.

Section 295-40 shall be modified such that the opening sentence shall read as follows:

§ 295-40 Demolition regulations for historic sites.

Prior to the issuance of a demolition permit for any structure within a designated historic site or within a contributing property to a historic district, the following procedures shall be followed:

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.