

## A VIEW OF THE FALLS

### Office of the Mayor - Richard B. Milne

December 19, 2013

Dear Residents,

The Village of Honeoye Falls and Village Board of Trustees were recently served with a lawsuit filing by a group of local residents under the listing of (Honeoye Falls Community Association, Inc.) This group lists the following persons as members: Robert Mauer, Dr. Barry and Sharon Kissack, Bob Taylor, Melissa Matson, Dr. Annette Brenner, Stephen Strasser, James Goodwin, Ann Grosjean, Dr. Delores Kammermeier, Eric Smith and Donna Walck.

The lawsuit seeks to annul the Amendment to the Zoning Code which was filed on October 31, 2013, which permitted drive-thru services for restaurants in the General Commercial District and established regulations and requirements therefore.

Among other things, the lawsuit alleges that the Village of Honeoye Falls did not properly refer this matter to the Monroe County Planning Board/Commission pursuant to Section 239-m of the General Municipal Law. After reviewing the entire record before the village board, and the notice given to the Monroe County Planning Department, I have received advice of counsel that the referral was not properly done pursuant to the General Municipal Law.

As a result, this past Monday (12/16/13) in open session at the scheduled Village Board of Trustees meeting, I recommended to the Village Board that a resolution be passed to vacate the aforesaid Amendment to the Zoning Code of the Village of Honeoye Falls. This resolution was passed by a majority vote. I also requested a resolution to schedule a Public Hearing for the proposed Code Amendment review to be held at the Honeoye Falls Lima High School Auditorium (83 East Street) at 7:30 PM on January 20, 2014. This resolution was also passed by a majority vote.

While I find it disturbing that we (the Village Board) need to vacate the previous action, it is my belief that the lawsuit brought on by (Honeoye Falls Community Association, Inc), would be a waste of tax-payer time and money. In an effort to alleviate the expenditure of time and additional legal fees, I feel this is the appropriate action.

Rick Milne Mayor,  
Village of Honeoye Falls