

AS ACTED UPON DURING A DULY NOTICED OPEN SPECIAL USE PERMIT 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 JUNE 30, 2021 AT 6:00 P.M.

To approve Special Use Permit Application No. 2021-048 for the Frontier Car Wash.

On Motion of
Councilmember Sefranek

Seconded by
Supervisor Schultz

WHEREAS, an application was filed with the Henrietta Town Board by Frontier Management for the development of the Frontier Car Wash, Tax ID No. 162.18-2-1.003 (the "Project"), for which the Applicant requests a Special Use Permit under Town Code Section 295-14 B(6) to operate the car wash (Special Permit #2021-048); and

WHEREAS, the Town Board has carefully considered all relevant information, including but not limited to the Special Use Permit application, Letter of Intent, comments provided by the Henrietta Planning Board, other plans and reports, and other materials and information submitted by the Applicant, correspondence and oral testimony from the public, State, County, and local agencies, and other information, and the Town Board makes the findings of fact set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, the Town Board has considered each of the criteria for granting of the requested Special Use Permit approvals, as set forth in Town Code Section 295-53, and the Town Board finds that, given the conditions imposed herein, the criteria are satisfied as set forth at Schedule "A," attached hereto and made a part hereof; and

WHEREAS, on June 30, 2021, in accordance with the New York State Quality Review Act ("SEQR"), the Town Board, as the lead agency, issued a Negative Declaration for the Project (the "Negative Declaration").

THEREFORE, BE IT RESOLVED, that based on the aforementioned information, documentation, testimony and findings (set forth herein and in Schedule "A"), the Town Board hereby grants approval for Special Use Permit #2021-048 to construct and operate the car wash, with the following condition:

1. The private access drive from Town Centre Plaza to Calkins Road shall be paved prior to a Building Permit being issued for the proposed car wash.

Duly put to a vote:

Councilmember Barley	voting	Aye
Councilmember Stafford	voting	No
Councilmember Sefranek	voting	Aye
Councilmember Bolzner	voting	Aye
Supervisor Schultz	voting	Aye

Carried

SCHEDULE "A"

Town Code Section 295-54 sets forth the criteria to be considered by the board in determining whether to grant a Special Use Permit. The Town Board makes the following findings with respect to each of these criteria, based upon its own knowledge and investigation or from testimony or other information submitted to it:

- A. Whether the proposed use is substantially consistent in its scale and character with those uses permitted and the existing built permitted uses in the subject zoning district and neighborhood or will otherwise impair such uses due to inconsistency?**

The proposal consists of constructing a Frontier Car Wash at Town Centre Plaza which is located at 2199 East Henrietta Road. The proposed location is zoned Commercial, B-1 and is surrounded by retail and small businesses. A car wash is an allowed use in a Commercial, B-1 zoned district with the issuance of a Special Permit from the Town Board. This use is very consistent with the development and character of the neighborhood and works well with the other uses in the vicinity. Also, there are two other car washes located within the East Henrietta Road corridor.

- B. Whether the proposed use aligns with the vision, goals and recommendations of the Comprehensive Plan and other applicable plans and studies conducted by or on behalf of the Town.**

East Henrietta Road is in one of the main commercial stretches of the Town and the use detailed in the Comprehensive Land Use Plan and the Design and Development Guide calls for this to remain this way. As such, a new car wash is very consistent and in harmony with the existing and probable future development of the property's neighborhood.

- C. Whether the proposed use aligns with the purpose, intent, and applicable design and development standards of the zoning district(s) in which the use is proposed to be located.**

The proposed use is for a car wash which is an allowed use in the Commercial, B-1 Zoned District with the obtaining of a special use permit from the Town Board. The design of the proposed building is consistent with the design and development standards of the Zone and the Design and Development Guide.

- D. Whether the proposed use will be a nuisance in law or in fact due to its being materially noxious, offensive or injurious by reason of the production of or emission of dust, smoke, refuse, poisonous substances, odors, fumes, noise, radiation, vibration, unsightliness or similar conditions, or will contaminate waters.**

Noise from the on-site vacuum islands can generate noise, but the information provided by the applicant shows that the noise generated from the vacuum islands dissipates to acceptable levels. Therefore, neither the construction nor the operation of a car wash will create any nuisance in law or in fact.

- E. Whether the proposed use will create material hazards or dangers to the public or to persons in the vicinity from fire, explosion, electricity, radiation, traffic congestion, crowds, parking of vehicles, or other causes.**

The proposed use will not create any material hazards or dangers to the public.

- F. Whether the proposed use will create materially adverse impacts that cannot be adequately mitigated, such as to adversely impact natural resources or the environment, agriculture, community services or other areas required to be addressed by the State Environmental Quality Review Act (SEQRA).**

The proposed use will not create materially adverse impacts that cannot be adequately mitigated. In terms of natural resources, the environment, community services, etcetera, the use is the same as the use that currently exists in the surrounding area.

- G. Whether the physical conditions and characteristics of the site are suitable for the proposed use considering site size, configuration, location, access, topography, vegetation, soils, and hydrology for effective stormwater management and, if necessary, the ability to be screened from neighboring properties and public roads.**

Since the project is located along one of the main highway corridors in the Town, no screening or buffers are necessary. Also, the existing stormwater management facility will be used to control the runoff leaving the site.

- H. Whether there are adequate public infrastructure, utilities, community facilities and emergency services, either existing or to be provided by the applicant or others, to effectively serve the proposed use. A proposed use shall not create or contribute to an existing inadequacy.**

The proposed lot is sufficient in terms of public infrastructure, utilities, emergency services, etcetera.

- I. Whether the proposed use will provide, maintain, or enhance, as necessary, safe and efficient vehicular traffic patterns, nonmotorized travel, and pedestrian circulation as well as, where feasible, access to public spaces, parks, recreation, and open space resources.**

Due to the amount of existing traffic using the East Henrietta Road corridor during the peak morning and evening time periods, and the Saturday peak time, a majority of the traffic utilizing the car wash will be pass by traffic; so very little new traffic will be generated by this project. Also, all the vehicles utilizing the car was will be stacked within the plaza so there won't be any traffic backing up onto East Henrietta Road.

The existing plaza has an internal sidewalk that connects to the sidewalks located along East Henrietta Road so sufficient connectivity will still be proved to pedestrians.