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 MARCH 27, 2024 AT 6:00 P.M.

RESOLUTION #7-119/2024 To issue a Negative Declaration and approve Special Use Permit Application Nos. 2023-024 and 2023-045 for Senior Housing on West Henrietta Road with an increased maximum building height.

On Motion of
Supervisor Schultz

Seconded by
Councilmember Page

WHEREAS, West Sunset Development, LLC has applied for Special Use Permits 2023-024 and 2023-045 to construct and operate a multifamily senior housing facility comprising of three 4-unit buildings and two 26-unit three story buildings with an average building height of approximately forty feet, whereas Town Code only permits a height of thirty-five feet, unless a greater height is permitted via a Special Use Permit (the "Project"), to be located in a Rural Residential District on West Henrietta Road in West Henrietta, New York 14586, Tax Map Nos. 202.01-2-2.001 through 202.01-2-2.005 (the "Property"), or as more particularly described in plans on file in the Town Clerk's Office; and

WHEREAS, public hearings were duly advertised and held relative to the same; and

WHEREAS, the Town Board has carefully reviewed and considered all documentary, testimonial, and other evidence presented to the Town Board, together with any input from Town staff, other Boards, and other agencies.

THEREFORE, BE IT RESOLVED, that pursuant to the State Environmental Quality Review Act, and in accordance with EAF Parts 1, 2, and 3, attached hereto, which are hereby accepted and approved, the Application will not have a significant adverse environmental impact and the Town Board hereby issues a Negative Declaration relative to the Application.

BE IT FURTHER RESOLVED, that the Town Board has considered the Special Use Permit factors and makes the findings relative thereto as set forth in Schedule A attached hereto and made a part hereof, and, based upon said considerations, including based upon all information a part of the record, including all materials submitted related to such Application, and based upon those reasons discussed at the public meetings related to the same, and so long as they are compliant with any conditions set forth herein, the Town Board finds that said Special Use Permit factors favor approval of the Application.

BE IT FURTHER RESOLVED, that the Town Board thus approves the Application such that a Special Use Permit for a multifamily senior housing facility comprising of three 4-unit buildings and two 26-unit three story units with an average building height of forty feet, as more fully described in the Application, is hereby issued, including that the dimensional requirements are hereby modified such that the setbacks and transitional buffers proposed as set forth in the Application are hereby approved, subject to the following conditions:

1. This Permit is for Senior Housing only, which means at least one of the tenants on a lease must be 55-years of age or older.
2. That transitional buffers and vegetative screening and/or fencing be provided, consistent with the plans presented with the associated Special Use Permit application, with final approval from the

Planning Board as part of the Site Plan process, and that any required buffers, screening, or fencing be maintained by the apartment complex.

3. That the appearance of the structures be built with the "rural aesthetic" consistent with the elevations provided with the associated Special Use Permit application, with final approval from the Planning Board as part of the Site Plan process, and that any future renovations or additions remain consistent with this appearance.
4. That all of the units in two of the four-unit buildings be wired for the Deaf and Hard of Hearing, with final approval from the Planning Board as part of the Site Plan process, and that the doorbells and fire alarms be maintained in working order.
5. That stormwater runoff from the site be collected and detained such that the amount of runoff that reaches adjacent properties be reduced by at least 30%, and that said stormwater structures and grading be maintained such that the reduction is still achieved.
6. That the development shall comply with all applicable zoning, building, fire prevention, health, and other codes in both construction and maintenance, including obtaining Site Plan approval from the Planning Board.
7. That the failure to adhere to these conditions may result in the revocation of this Special Use Permit, per the procedures set forth in Henrietta Town Code Section 295-55.

Duly put to a vote:

Councilmember Page	Aye
Councilmember Bellanca	Aye
Councilmember Barley	Aye
Councilmember Stafford	No
Supervisor Schultz	Aye

RESOLUTION ADOPTED

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

Name of Action or Project:

West Sunset Senior Housing

Project Location (describe, and attach a location map):

The property is located on the east side of West Henrietta Road approximately 772' south of Martin Road in the Rural Residential (RR-1) zoning district

Brief Description of Proposed Action:

The applicate owns this 12.5+/- acre property is located on the east side of West Henrietta Road approximately 772' south of Martin Road in the Rural Residential (RR-1) zoning district. The parcel is well drained and has access to public sanitary sewer, water, gas and electric. West Henrietta Road is a State Route (15) and permits are required for the proposed driveways and utility crossings.

The application proposed a senior apartment project on this site consisting of the following elements:
• Two 3 story apartment buildings with 26 units in each
Note: These two buildings will be 40 feet in height
* Three 4 unit ranch Town homes
* 8 units will be designed for the hearing and visually impaired

Name of Applicant or Sponsor:	Telephone: [redacted]
LandTech - John Sciarabba	E-Mail: [redacted]

Address:

1105 Ridgeway Avenue

City/PO:	State:	Zip Code:
Rochester	NY	14615

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town Board Special Permit, Planning Board approval	☐	☑

3. a. Total acreage of the site of the proposed action? 12.5 acres
   b. Total acreage to be physically disturbed? 7.0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 12.5 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☑ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other(Specify): wetlands
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	✓	☐
b. Consistent with the adopted comprehensive plan?	☐	✓	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	✓	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	✓	☐
b. Are public transportation services available at or near the site of the proposed action?	✓	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	✓
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	✓	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	✓
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	✓
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	✓	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	✓
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	✓
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	✓	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ A NYSDEC wetlans is located on the project site. No disturbance of the wetland or buffer is proposed as part of this application		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☑ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	✓	
16. Is the project site located in the 100-year flood plan?	✓	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	✓	
a. Will storm water discharges flow to adjacent properties?	✓	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		✓
If Yes, briefly describe: On site storm sewer and Storm water pollution prevention plan will be designed		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	✓	

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

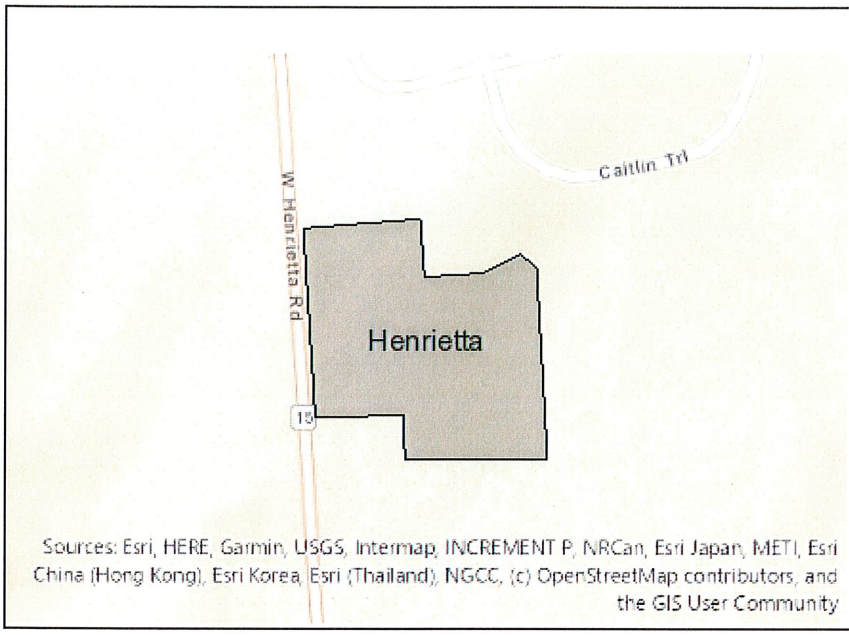
Applicant/sponsor/name: LandTech - John Sciarabba Date: 11-09-23

Signature: Title: Project engineer

PRINT FORM

EAF Mapper Summary Report

Friday, August 25, 2023 10:42 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only [If applicable]

Project: West Sunset Senior Housing

Date: March 20, 2024

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?		✓
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

PRINT FORM

Agency Use Only [If applicable]

Project: West Sunset Senior

Date: March 20, 2024

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

For the support documentation for Part 2, see the attached "EAF Part 3 for the West Sunset Senior Housing" Special Permit supplement dated March 20, 2024.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Henrietta Town Board	3/27/2024
Name of Lead Agency	Date
Stephen L. Schultz	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	Christopher E. Martin
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

EAF Part 3 for West Sunset Senior Housing
West Henrietta Road
Tax Account No. 202.01-2-2.11

March 20, 2024

In addition to the narrative below, this EAF Part 2 hereby incorporates the following, which is made a part of this Part 3 reasoned elaboration;

a. Special Use Permit Application SUP 2023-024 (Revised) and SUP 2023-045 for West Sunset Senior Housing, prepared by West Sunset Development, LLC and LandTech dated November 15, 2023;

b. Short Environmental Assessment Form, Part 1, prepared by LandTech, dated November 9, 2023;

c. Conceptual Site Plan 8 for West Sunset Senior Housing, prepared by LandTech, dated November 9, 2023 and later revised on November 9, 2023;

d. Conceptual Building Elevations for The Dens, prepared by James Fahy Design, dated August, 2022 and later revised on February, 2024;

e. Letter from Christopher Reeve, PE from the New York State Department of Transportation to Christopher E. Martin, PE of the Town of Henrietta, dated June 15, 2023;

f. Letter from Ashley Rubacha from the New York State Department of Environmental Conservation to Joshua Saxton of Passero Associates, dated June 23, 2023.

1. Material Conflict with Adopted Land Use Plan or Zoning

The property is zoned Rural Residential, and the project is being developed as a senior housing project which is a permitted use in this zoning district as long as the applicant obtains a special use permit from the Henrietta Town Board.

2. Change in Use or Intensity of the Use of Land

The parcel is currently vacant but the area surrounding it consists of single family homes and farmland. The three story apartment units aren't expected to have a significant adverse impact since their residential use will be consistent with the adjacent residences.

Moreover, though the density of the development is more than that of single family homes, it is slightly over the required six dwelling units per acre and could comply with the density requirements if approval is granted by the Town Board. The buildings will be constructed in adherence with buffer requirements of one hundred feet between the single family homes and multi-family buildings in order to mitigate any potential impact that may have otherwise resulted from the distinction between the existing single family homes and the proposed multi-family residences unless a reduction is granted by the Planning Board.

3. **Impairment of the Character or Quality of the Existing Community**

The current site is located within an existing residential area and the low density two story senior apartment buildings will fit in with the surrounding community. Also, the buffering through landscaping or fencing should be provided between the adjacent property on Caitlin Drive and the proposed development, as determined by the Planning Board during the site plan review process.

In addition, the three story apartment buildings were modified by the architect to reflect the rural character of the neighborhood.

4. **Impact on Critical Environmental Areas**

No impact; there are no CEA's located within or adjacent to the site.

5. **Impact on Transportation**

Even though there is a significant amount of traffic utilizing the West Henrietta Road corridor, the construction of 64 senior multi-family units should not have an impact on the surrounding transportation system due to the project generating a minimal amount of traffic because it is a senior facility and seniors tend not to travel during the peak traffic hours. Also, the applicant will have to obtain a permit from the New York State Department of Transportation for the two private drives.

6. **Impacts on Energy**

No impact; there is ample energy capacity present in the area if needed.

7. **Impact on Existing Water Supplies and Wastewater Treatment Facilities**

No impact; there is an adequate supply of water and sanitary sewer systems present in the area if needed.

8. **Impact on Historic And Archeological Resources**

The proposed multi-family senior facility is located within a designated archeologically sensitive area, and before any construction activity can take place within the project site, it will have to be approved by the Office of the New York State Parks, Recreation, and Historic Preservation (OPRHP).

9. **Impact on Natural Resources**

No impact; there are no scenic or aesthetic resources in the vicinity of the site.

10. **Impact on Erosion, Flooding or Drainage**

Minor impact. The proposed construction work for the senior housing project has the potential to create turbidity and sediment in the adjacent water bodies if the proper erosion control devices are not implemented or maintained. The grading plan shall use silt fence, and other erosion control devices to control site erosion. Also, site inspections will be performed until the disturbed area is stabilized to ensure that erosion is not leaving the construction site.

The drainage from the site will be stored in a stormwater management facility so there should be no impact to the downstream storm drainage system.

The site is not located within a floodplain or floodway.

11. Impact on Human Health

No impact.

Exhibit A. West Sunset Senior Housing Special Use Permit Assessment by Henrietta Town Board for Proposal at West Henrietta Road

§ 295-54 **Granting or denial of special use permits.**

In considering an application for a special use permit, the Town Board shall make its decision based upon the following factors. The Town Board may impose conditions, including in order to resolve any issues identified via its assessment of said factors.

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.**

   Senior living facilities are an allowed use within the Rural Residential Zoning District within which the proposed use is located. The layout of the facility and the low unit density are both consistent with the location and the neighborhood. Also, at the request of the Henrietta Town Board, the elevations of the three-story apartment building were revised to create a "rural aesthetic" look in order to blend in better to the landscape.

   In addition, two of the four-unit buildings will be wired for the Deaf and Hard of Hearing with doorbells and fire alarms.

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.**

   The Comprehensive Plan identifies the Rural Residential Zoning District as a potential location for lower-density senior living facilities to take advantage of the more peaceful rural portion of Town as well as due to the fact that senior living facilities see far less impact due to vehicle traffic than due traditional multi-family facilities. A need for senior living facilities that are more affordable has been a common response to surveys or questionnaires about Town needs. The proposed facility may be able to provide some of that need.

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 site plan and building elevations for the proposed development show one that is well integrated into the area and has an architectural and landscaping design that is consistent with the design and development standards of the Rural Residential zoning district. The use of the one-story townhouses integrate well into the existing residential uses and act as a buffer

for the taller three-story apartment buildings. The height of the proposed buildings are permitted via a special use permit.

Also, transitional buffers with vegetative screening and/or fencing will be provided to enhance the distance between the apartment buildings and the adjacent single-family residences.

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.**

The proposed use presents no nuisance in law or in fact with regards to any of the conditions listed. The developer will need to take care to minimize the dust impact from grading and construction, as well as provide good stone construction entrances to attempt to minimize any dirt carried out onto West Henrietta Road. Proper construction drainage ponds, erosion barriers, site stabilization, and other conservation strategies will need to be employed to prevent improper run-off and/or contamination of the nearby wetlands and inland waterways during construction. The Town will be actively monitoring construction to ensure the above does not happen and that any issues that may occur are immediately corrected and remediated.

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 presents no material hazards or dangers to the public or persons in the vicinity from any of the listed conditions or other causes. The New York State Department of Transportation has indicated that due to the anticipated traffic volumes, only a single entrance is required since senior housing projects do not generate much traffic during the peak traffic hours.

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 presents no materially adverse impacts under SEQRA – all potential adverse impacts identified have been adequately mitigated, including but not limited to the need to ensure proper drainage to the east and by the revisions made to the building elevations.

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.**

The site is over 12.56-acres and the proposed site plan results in a unit density slightly above the six units per acre for a Rural Residential senior living complex. The slope of the land goes from west to east with the taller three-story apartment buildings being located in the middle of the site so that they don't seem as high from West Henrietta Road. The parking lots are also located between the buildings and as far away from the adjacent single family residences as possible.

H. **Whether there are adequate utilities, public infrastructure, 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.**

There is an adequate supply of water and ample capacity in the sanitary sewer system for the 64 unit senior housing facility.

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.**

Traffic and circulation will be safe and efficient. See above at "E" for further discussion on entrances.

LANDTECH
SURVEYING & PLANNING P.L.L.C.
1105 Ridgeway Avenue
Rochester, NY 14615
Tel: (585) 442-9902
www.landtechny.com

November 10, 2023

Project Number: 23292

Town of Henrietta
475 Calkins Road
PO Box 999
Henrietta, NY 14467

Attn: Henrietta Town Board

RE: West Henrietta Road
Special Permit

Supervisor Schultz and honorable Town Board members,

On behalf of West Sunset Development LLC, we submit the following for the consideration of two special permits to allow the construction of senior apartments on this site. The second special permit for two of the buildings to be constructed 40 feet high. This application was tabled at the September 13th Town Board meeting.

During that meeting the Town Board had some concerns over the proposed layout of the project and wanted confirmation on the proposed height of the 3 story structures. We have made the following significant changes to the Concept Plan:

- We have rotated the two 26 unit buildings 90 degrees, they now face each other.
- We removed one of the 4-unit ranch apartment buildings.
- The building setbacks to the adjacent properties have significantly increased.
    - 132 feet from our north property line vs 100 feet from the original plan
    - 111 feet from our south property line vs 100 feet from the original plan
    - 123 feet from our east property line (6500 W. Henrietta Road) vs 60 feet
    - 116 feet from the R.O.W to the Three-Story building
- We removed the parking areas and drive lanes adjacent to our north and south property lines.
- All pavement is at least 60 feet from any property line.
- Landscape buffering has been increased.

During the previous Town Board meeting we only had one member of the public speak regarding this project: the adjacent homeowner Mr. Mike Berardi (6500 West Henrietta Road). During the meeting Mr. Berardi agreed with the intended use "We're not opposed to the idea of apartments & the seniors, everything that's being said sounds good" but he has concerns regarding parking and the buildings being close to his property.

I reached out to Mr. Berardi in an attempt to review the updated Site Plan and to identify any other concerns or questions he may have had. Unfortunately, after a very brief conversation he stated that he had viewed the updated plan and did not wish to speak to me regarding the project.

One point of confusion was regarding the proposed height of the three-story buildings. The following is the section of Town Code regarding height and the definition of building height:

§ 295-8**Building height limits.**

[Amended 2-27-2019 by L.L. No. 3-2019; 4-12-2022 by L.L. No. 8-2022]

No structure in a residential district shall exceed two stories of any kind above the basement, and no residential building shall exceed 21 feet in height from the top of the first floor of the first story to the ceiling of the second story. In the case of churches, schools and institutions of higher education, public hospitals, public libraries, municipal and special district buildings and apartment houses, no such structure, with the exception of barns and silos associated with a farm operation in a county agricultural district, shall exceed **35 feet** in height, except by special use permit granted by the Town Board, after a public hearing in accordance with the procedures set forth in Article **XII** of this chapter.

BUILDING, HEIGHT OF

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to a point midway between the highest and lowest point of the roof, except chimneys, spires, towers, elevator penthouses, tanks and similar permitted projections.[1]
[Amended 2-27-2019 by L.L. No. 3-2019]

The building plans that are intended to be used for this project have the following building height elements:

- Top of the peak of the roof 48' 67/8"
- Mid-Points of the Roof 39' 10 3/8"

The proposed building does not meet the code and we are formally requesting a Special Permit for a building height of 40 feet. A copy of the Elevation of the proposed building has been added to the application package.

Attached please find the following information for your review:

- One copy of this letter of intent
- Four copies of the updated concept plan
- Fur copies of the Special Permit applications
- Four copies of the building elevation
- The application Fee of $ 150

Note: an electronic copy (format: .DWG, .PDF and/or .TIFF) of all application materials, including site plans, instrument survey maps, and colored renderings (medium: CD/DVD, USB Flash Drive, email: drawings@henrietta.org) has been submitted

The applicate owns this 12.5+/- acre property located on the east side of West Henrietta Road approximately 772' south of Martin Road in the Rural Residential (RR-1) zoning district.

The parcel is well drained and has access to public sanitary sewer, water, gas and electric. West Henrietta Road is a State Route (15) and permits are required for the proposed driveways and utility crossings.

The application proposed a senior apartment project on this site consisting of the following elements:

- Two 3 story apartment buildings with 26 units in each
  - These buildings will have 12 garages.
  - The buildings will have elevators.
  - The buildings will have sprinkler fire protection.
- Three buildings with ranch style units
  - A minimum of eight units will be designed to accommodate the needs of the hearing impaired.
- Private driveway
- Landscape buffering along West Henrietta Road and along the neighbors
- Maintained open space for passive recreation.

We would like to be added to the December 20th Town Board agenda. In the meantime, please contact me with any questions or comments.

Sincerely,

John H. Sciarabba, L.S. LandTech

LEGEND

LINETYPES

Centerline
Property Line
Resub. Prop. Line — 100.00'
Easement Line
Existing Contour — 270
Proposed Contour — 275
Chain Link Fence
Wood Fence
Guide Rail
Wire Fence
Overhead Wires — OHW
Gas Line — G
Water Line — W
Forcemain — FM
Sanitary Sewer — SS
Storm Sewer — SV
Electric — E
Edge of Woods
Floodzone
Wetlands
Right-of-Way — R.O.W.
Landscaping & Retaining Walls
Silt Fence
Drainage Flow
Sump Pump Discharge

SYMBOLS

Utility Pole
Water Gate Valve
Curb Box
Gas Valve
Utility Box
Transformer
Survey Monument
Mailbox
Sign
Iron pipe/rebar
Traffic Control M.H.
Cleanout
Catch basin or
Fire hydrant
Signal span pole
Perc hole
Deep hole
Benchmark
End section
Spot elev. x351.00'
Light pole
Well
Utility manhole
Storm Sewer Manhole
Sanitary Sewer Manhole
Rebar (to be set)

LINE STYLES

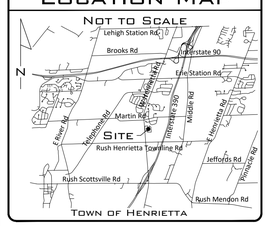
Feature to be removed (Gray Line)
Existing Utility (Light Line Weight)
Proposed Utility (Heavier Line Weight)

LABELS

Record Map Info. "(R)"
Typical Style "Typ."
To Be Removed "TBR"
Proposed "Pr."

LOCATION MAP

NOT TO SCALE



NORTH

0' 50' 100' 150'

SCALE: 1"=50'

GENERAL NOTES

1. Tax Account Number: 202.01-2-001
   202.01-2-002
   202.01-2-003
   202.01-2-004
   202.01-2-005
2. Owner: West Sunset Development LLC.
3. Site address: West Henrietta Road
4. Total Area: 547,147± s.f. 12.561± Acres
5. Total Soil Disturbance Area: 8.0± Acres
6. This project is located in Town Lots 31 & 33, 4th Range of Lots, Township 12, Range 7, of the Phelps and Gorham Purchase, Town of Henrietta, County of Monroe, State of New York.
7. This project is located within Other Areas-Zone X (Areas determined to be outside the 0.2% annual chance floodplain) according to Flood Insurance Rate Map Number 36055C0343G, dated August 28, 2008.

SURVEY REFERENCES

1. This topographic survey was prepared from notes of an Instrument Survey completed on February 11, 2021 by Landtech Surveying & Planning, PLLC.
2. Site benchmark: South Property Line Fire Hydrant N.E. Bonnet Bolt Elevation = 683.46
3. Liber 12442 of Deeds, Page 431.
4. Liber 320 of Maps, Pages 74, 75, 76, & 77.
5. The vertical datum is referenced to The North American Vertical Datum of 1988 (NAVD 88)

ZONING NOTES

RR – Rural Residential Zoning District (With Water/Sewer)

§ 295-10.1 Rural Residential District.

F. Area, width and setbacks.
(1) The following shall apply to lots served by both municipal water and sewer, and that are not within a state-certified, county-adopted agricultural district:
(a) Minimum lot area: two acres (may be smaller with open space incentive).
(b) Minimum lot width shall be 80 feet.
(c) Minimum front yard setbacks shall be 30 feet if located on a Town or private road or 50 feet if located on a county or state road.
(d) Minimum side yard setbacks shall be 10 feet on one side, 15 feet on the other side.
(e) Minimum rear yard setbacks shall be 30 feet.
(f) Each lot shall contain a minimum of 10,000 square feet of contiguous area for building and yard area free of wetlands, surface water or slopes over 15%.

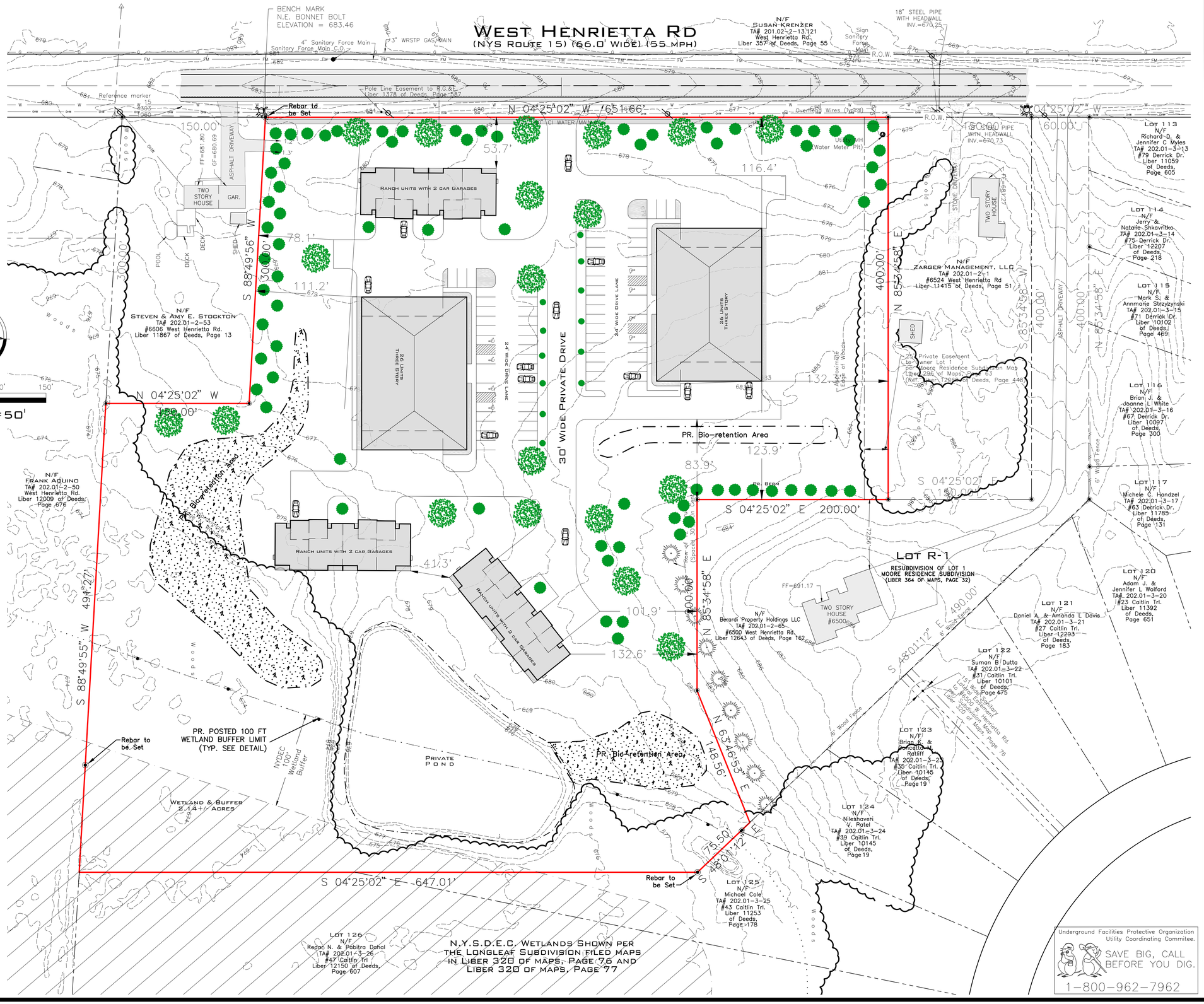
PROPOSED

–Two 26 unit Buildings 52 Units
–Three 4 unit Buildings 12 Units
(8 units will be Wired for the Hearing Impaired)
64 Total Units
Code allows up to 62.4 Units

PROPOSED PARKING

–12 Two Car Garages
–12 One Car Garages
–58 Parking Spots
–8 Handicap Parking Spots

UNAUTHORIZED ALTERATION OR ADDITION TO A MAP BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR IS A VIOLATION OF ARTICLE 145, SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.



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1105 RIDGEWAY AVE - ROCHESTER, NY - 14615
PHONE (585) 442-9902 - INFO@LANDTECHNY.COM

1/1/23	MINOR EDIT	ODS	

REVISIONS

SCALE: 1"=50'
DATE: 9/5/23
DRAWN BY: KMS
CHECKED BY: JHS
PROJECT NUMBER: 23292

JULY 14, 2023
WEST HENRIETTA RD
TOWN LOTS 31 & 33, 4TH RANGE OF LOTS, TOWNSHIP 12, RANGE 7, OF THE PHELPS AND GORHAM PURCHASE, TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK

CONCEPT PLAN 8

SHEET 1 OF 1