

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 FEBRUARY 12, 2020 AT 7:00 P.M.

RESOLUTION #4-76/2020 To Approve Special Use Permit Application Nos. 2019-030 and 2019-031 for UR Medicine Orthopaedics & Physical Performance Center.

On Motion of
Councilman Stafford

Seconded by
Supervisor Schultz

WHEREAS, an application was filed with the Town of Henrietta, including revised application materials dated January 31, 2020, by The Marketplace, a New York Limited Partnership (the "Applicant") with respect to its property at or about 10 Miracle Mile Drive, at or about the Marketplace Mall, primarily but not solely concerning the area commonly known as the former Sears Building, Tax Map ID Nos. 161.12-01-1.1/C, 161.12-1-1.1/B, and 161.12-1-1.11 (the "Property"), seeking a Special Use Permit pursuant to Section 295-14[B](6) of the Henrietta Town Code to allow redevelopment at the Property for the purposes of operation of a medical center to be known as "UR Medicine and Orthopaedics & Physical Performance Center," consisting of approximately 480,000 SF at full build out (the "Project"), all as more specifically depicted in the Application and associated Concept Plan submitted with such Application (the "Concept Plan"), and

WHEREAS, the Applicant further requests Special Use Permit approval pursuant to Section 295-18 to allow the height of the proposed Project to be +/- 115 feet in height, and

WHEREAS, the applicant further requests an allowance for remote parking pursuant to the Code at Section 295-44[B], and

WHEREAS, the Project will impact the PILOT applicable to the Mall property, and

WHEREAS, the Henrietta Town Board has carefully reviewed and considered the documentary, testimonial, and other evidence presented to the Town Board prior to, at, and subsequent to the public hearing duly held, together with any input from Town staff, and any applicable advisory boards and agencies, and

WHEREAS, on February 12, 2020, in accordance with the New York State Quality Review Act ("SEQR"), the Town Board duly issued a Negative Declaration for the Project (the "Negative Declaration").

THEREFORE, BE IT RESOLVED, that after carefully considering all relevant information submitted, the Town Board finds that, given the conditions set forth herein, each of the criteria required for the granting of the requested Special Use Permits (set forth at Town Code Section 295-54) for the Project are satisfied, all as discussed and described in the record, including as more fully and specifically described in the Applicant's letter dated December 6, 2019, which is hereby incorporated as part hereof for purposes of demonstrating compliance with the required Special Permit Factors.

BE IT FURTHER RESOLVED, that based on the aforementioned, the Town Board hereby grants and approves the requested Special Use Permits for the Project, specifically:

- A. To permit the medical center use, including medical services, offices, research, education and related uses, all as proposed in and consistent with the Application materials,
- B. To permit a maximum building height of 115 feet such that the roof line may not extend beyond 115 feet (but appurtenant items on the roof may exceed such height, including, for example, stair towers, elevator shafts, exhaust fans), and
- C. To allow for remote parking, all three approvals (A, B and C herein) subject to the following conditions, which must be satisfied prior to the issuance of a building permit unless otherwise stated:
 - 1. The special use permits are granted only to the extent of the Project as described in the Application materials, including as depicted in the Concept Plan and associated materials last submitted with the Application; and
 - 2. The maximum height of the Project is subject to approval by the Fire Marshal, including confirmation by the same that fire apparatus can safely and effectively service the Project given its height; and
 - 3. The URMC shall provide an evacuation plan that it is acceptable to the Fire Marshal; and
 - 4. Approval by the Building Inspector and/or Fire Marshal as it relates to fire safety, including but not limited to: as it relates to the need for fire rated separation walls, and as it relates to sprinklers; and
 - 5. Approval by the Planning Board of a site plan for the Project, such site plan required to be materially consistent with the Concept Plan; and
 - 6. Approval by the Planning Board of a subdivision for the Project; and
 - 7. Approval by the Monroe County Water Authority, as required by law/regulations; and
 - 8. Approval of a plan by the Building Inspector and/or Town Engineer as it relates to traffic management and construction staging, parking, etc. to verify there are no potential conflicts with the proposed traffic and pedestrian flow during the construction of the project; and
 - 9. Approval by the Town Engineer as it relates to parking plan, particularly depicting the remote parking, in order to confirm that the plan provides materially functional and safe traffic patterns, ingress egress, etc. consistent with the Town Code and design standards; and
 - 10. Building mounted exterior lighting on the Project shall not exceed 22 feet in height, except for the backlit URMC signage on the tower.
 - 11. The provision of easements acceptable to the Attorney for the Town and the Town Engineer, particularly given the proposed subdivision, including but not limited to:
 - a. Cross access easements,
 - b. Parking easements, including relating to remote parking,
 - c. Any utility easements, and
 - d. Drainage easements; and

12. While the traffic study did not identify the need for any additional current improvements given the information now available, the Applicant shall coordinate with NYSDOT, MCDOT and the Town to implement any improvements that are determined by the same to be required as a result of the development, should a future need be identified prior to the issuance of the C/O; and
13. Given the comments from the Town's traffic consultant regarding the opportunity to improve pedestrian access, and given the Town's near-term plans to improve pedestrian access in the area of the Project, including on the west side of Hylan Drive, the Applicant shall cooperate and coordinate with the Town should access or easements be required for the same, including should signs/stanchions be required to be moved/adjusted to accommodate the sidewalk, until the time such Town sidewalks are finally installed; and
14. Given the comments from the Town's traffic consultant regarding the opportunity to improve pedestrian access, and given the Town's near-term plans to improve pedestrian access in the area of the Project, the developer shall design the Project's pedestrian and traffic access so as to incorporate and connect to any sidewalks the Town plans on installing or improving; and
15. Given the comments from the Town's traffic consultant regarding the opportunity to improve pedestrian access, and given the Town's near-term plans to improve pedestrian access in the area of the Project, any internal Mall sidewalks which may be deficient shall be addressed, whether on the Project site or the remainder of the Mall property, so as to result in a holistic approach to pedestrian access and connections, including with respect to connection to any new sidewalks to be installed by the Town on Hylan Drive.

Duly put to a vote:

Councilmember Barley	voting	Aye
Councilmember Stafford	voting	Aye
Councilmember Sefranek	voting	Aye
Councilmember Bolzner	voting	Aye
Supervisor Schultz	voting	Aye

Carried



December 6, 2019

Town Board
Town of Henrietta
475 Calkins Road
Henrietta, NY 14467

Re: UR Medicine Orthopaedics & Physical Performance Center

2677

Dear Board Members:

On behalf of The Marketplace, we submit the enclosed applications for Special Use Permits to allow a Campus for (i) medical, office, research, educational, and related uses, including an ambulatory surgery and outpatient care center at the subject property, and (ii) construction and operation of a multi-story tower exceeding the permitted height at the subject property. The property is located at 10 Miracle Mile Drive at Marketplace Mall within the Town's Commercial B-1 zoning district. We request to appear at your December 11, 2019 Town Board meeting to initiate the Special Use Permit review process. We have enclosed the following application materials for your review:

- Letter of Intent
- Part I of the Long Form Environmental Assessment Form
- Letter of Authorization from Property Owner
- Special Use Permit Application Form (Use)
- Special Use Permit Application Form (Clinic Tower Height)
- Statement of Professional and Consulting Fees
- Four (4) Preliminary Concept Site Plans
- Four (4) Preliminary Architectural Drawings
- \$300 Application Fee (Commercial - \$150 x 2 applications)

The property is located on the southern side of Marketplace Mall in the former Sears Building and portions of the adjacent Marketplace Mall property and parking lots, west of Hylan Drive. URMC will purchase approximately 20.2 acres from The Marketplace consisting of the Sears building and its wing within the mall and surrounding property. The approximate 20-acre lot will be subdivided out from the overall 125-acre Marketplace Mall property. The proposal calls for the repurposing of the vacant Sears building as the shell for the new ambulatory surgery center with new construction within the Sears wing, including a multi-story structure, up to 7 stories ($\pm 134'$), to house patient services functions, including those relating to diagnosis and treatment, as well as complementary uses. The project will be developed in phases and could total up to approximately 480,000 gross square feet, with the first phase of up to 344,000 gross square feet.

We are requesting the Special Use Permits per Article VI, §295-14 (B) (6) and §295-18 of Town Code to allow the proposed use and the proposed building height within the B-1 district. The applicant is also requesting of the Town Board to allow URMC the use of remote parking spaces, per Article XI, §295-44 (B) of Town Code. The necessary space for remote parking would be located within the Marketplace Mall property and utilize an existing parking lot. We acknowledge that there are factors that the Town Board must consider §295-54 of Town Code when reviewing a special permit request. For your consideration, we offer the following information to assist you in your review of the criteria:

- 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 proposed use of this property will be consistent with the existing uses within the surrounding area and immediate vicinity of the Marketplace Mall property. The area is a highly developed commercial area of the Town. Immediately south of the proposed develop exists a commercial plaza that houses Best Buy, Target and Lowe's, to the east is Jay Scutti Plaza that houses Wegmans and other mixed uses. Other medical uses including the new VA center are located further south of the subject property. Commercial and Industrial districts abut the property of the proposed use. The proposed use will be of comparable size to various buildings and monument signs within this commercialized and industrialized corridor of the Town. The RIT campus located in the Town, approximately 1.5 miles from the proposed use, has up to five existing buildings that are five to seven stories tall. Within the immediate vicinity of the property include an office building, monument signs, and hotels that are greater than three stories in height and blend into the nature of the area.

The proposed use is far removed from residential neighborhoods which are located south of the Marketplace Mall. The residential neighborhoods are buffered by existing wooded areas, I-390, and various large-scale commercial development and plazas.

As the nation's shopping habits have changed, retailers have lost foot traffic and closed mall properties, but large-scale stores are finding new lives as medical complexes in recent studies. Both URMC and The Marketplace are in line with a national trend in the reclamation and repurposing of mall properties by academic medical centers. The proposed use will revive a now vacant space and provide a well needed asset to the community and surrounding area. The project is anticipated to attract new tenants to Marketplace Mall that currently has 100 tenants, which will remain.

- 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 proposed use does align with the vision, goals and recommendations of the recent Comprehensive Plan conducted on behalf of the Town. As stated in the Comprehensive Plan it is to be encouraged to reuse vacant and underutilized commercial and industrial properties. The proposal will be utilizing a currently vacant department store at Marketplace Mall. Also, the Comprehensive Plan describes the future land uses surrounding and including Marketplace Mall to be a mixed-use redevelopment area. This project will be transformative for Marketplace Mall, reinventing it as a mixed-use property providing retail, entertainment and services all under one roof, and in the heart of Henrietta's commercial corridor.

- 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 will be within the commercial B-1 zoning district of the Town. The code generally states that the principal purpose of the commercial districts is to provide for businesses to meet the local service needs of residents and visitors that are drawn from neighborhood and regional populations and in a manner that can support the desired visual character of the Town. The commercial districts in the Town are located along major transportation corridors and within areas served by public infrastructure that can be adequately buffered from adjacent residential neighborhoods. The proposed uses are also not specially prohibited within the B-1 District.

The proposed use will be designed according to the Town of Henrietta Town Code and design and development guidelines as well as appropriate County/State agency standards. The proposed use will comply with appropriate building setback requirements as listed in the code. Landscaped islands are proposed in between the parking area and Miracle Mile Drive to break up the impervious surfaces.

As part of this Special Permit Application the applicant is requesting to allow the construction of a multi-story tower that will be up to approximately 134 feet tall. This is a necessary structure and space for the campus to be able to accommodate a high number of patients, as the demand for orthopaedic care and need for additional capacity in the region has skyrocketed upward. The project is contemplated to include ambulatory surgery rooms, clinical exam rooms for outpatient visits, the Center for Human Athleticism & Musculoskeletal Performance and Prevention (CHAMPP), physical therapy, occupational therapy and rehabilitation spaces, a diagnostic imaging suite dedicated to orthopaedics, with x-ray devices, MRI machines and other services, facilities, and technologies all in one convenient location for the community.

- 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 orthopaedics and performance center will not be a nuisance or create any of the conditions noted above that are out of the ordinary within the Commercial B-1 zoning district in the vicinity of the project. The center will be one of the most comprehensive centers for orthopaedic surgery and outpatient care in the United States and will be designed to conform with local, State and County agency requirements as necessary.

- 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 and building height will not create any hazards or dangers to the public, or persons in the vicinity of the use. The proposed development will be designed in accordance with the Town of Henrietta and appropriate County/State agency standards. Parking of vehicles will be on-site within in the current Marketplace Mall parking lot, with improvements being proposed for better lot circulation for vehicles and pedestrians. A traffic study was prepared for the applicant and concluded that the projected trip generation will not create a traffic impact on the surrounding highway network. The main hours of operation of the URMC site will be offset from the typical peak use of the Mall's other tenants and surrounding properties whose peak hours are weekday evenings and weekends. The redevelopment of this property will result in a wider dispersion of the traffic. Also, surrounding transportation network was constructed to support a fully flourishing Mall property.

- 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 and building height will not create adverse impacts to natural resources, the environment, agriculture, community services or other areas required to be addressed by the State Environmental Quality Review Act (SEQRA) as the site is located on an already developed property. The proposed use will repurpose the vacant Sears building as well as utilize the surrounding parking lots, vehicular access points to the site, and existing stormwater management facilities for site runoff. Disturbance to the project site are necessary for demolition, building pad, and parking lot reconfiguration and will be completed meeting the NYSDEC requirements to minimize impacts to the environment and surrounding area. The project site is not located within an agricultural district. The proposed building height does not result in any visual impacts as it is consistent with other buildings in the vicinity and does not abut any residential zoned districts. A Part I Long Form Environmental Assessment Form is enclosed with this application.

- 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 physical conditions and characteristics of the site are suitable for the propose use as the site is a developed commercial property. The campus will be constructed at the current vacant Sears building and surrounding property and be consistent with the commercially zoned area. The Marketplace Mall redevelopment site offers significant assets such as highway access, ample parking, parcel size, as well as existing stormwater management facilities and infrastructure. The closest residential homes are greater than 0.6 miles away and are currently buffered from Marketplace Mall by existing commercial plazas, wooded areas, and I-390.

- 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 Marketplace Mall site offers adequate existing assets, including those listed above, and the proposed use shall not create or contribute to any known existing inadequacies in the area. The location of the campus at the Mall does not require an extension of existing infrastructure or creation of new parking lots. Ample parking will be available for both patients and employees, with also sufficient parking remaining to serve the mall and its tenants. The Mall is currently served by emergency services and the proposed use does not alter their ability to serve. The proposed building height is similar to structures at nearby R.I.T which is served by local emergency service providers. The Mall also provides close proximity to major highways and road networks in order to serve a signification portion of upstate NY, and provides availability to public transportation for patients and employees that live closer to Rochester. URMIC evaluated many different sites around the Rochester area and weighed critical factors such as those listed above, and the Marketplace Mall site meets all of the objectives quite well.

- 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.*

This facility will combine ambulatory surgery and other essential orthopaedic services in one convenient location. The proposed use is anticipated to enhance a once occupied building and

parking area to be of a use that will better serve the community. The center itself and its surrounding campus will be designed for patients with mobility challenges. Improvements will be made to ensure adequate traffic circulation and pedestrian circulation throughout the campus. Both pedestrian and vehicular access will be provided to other portions of the Mall property, to the outer ring road (Miracle Mile Drive) and the planned pedestrian network of the surrounding area.

We have enclosed a conceptual Site Plan showing an approximate preliminary rendering of the proposed development, which includes the surgery center, new clinic tower, and associate parking lots and circulation throughout the campus. Access to the center will be from Miracle Mile Drive, consisting of direct access points to the parking area, utilizing existing curb cut locations as necessary and installing proposed entrances to create a vehicular and pedestrian friendly campus. Existing stormwater management facilities along the southern and eastern side of Miracle Mile Drive will be utilized to address site runoff. Also included is architectural elevations illustrating the intent of the proposed surgery center and clinic tower. These plans will be subject to a formal Site Plan review before the Town Planning Board upon completion of the Special Use Permits process.

We look to the Town Board to declare its intent to act as lead agency at your December 11, 2019 meeting and begin the coordinated review process for this project, which is a Type I action under SEQRA. We would also request at the December 11, 2019 meeting that the Town Board call for a public hearing on this application at your January 22, 2020 meeting.

Both the applicant, The Marketplace, and URMC look forward to working with the Town of Henrietta to bring this transformative project to reality, and repurposing Marketplace Mall as a destination in the region for comprehensive orthopaedic surgery and outpatient care along with reinvigorating its entertainment and retail services. We thank you for your consideration of this application.

Please contact our office if you require any additional information concerning the Special Use Permit application prior to the meeting.

Sincerely,
BME Associates



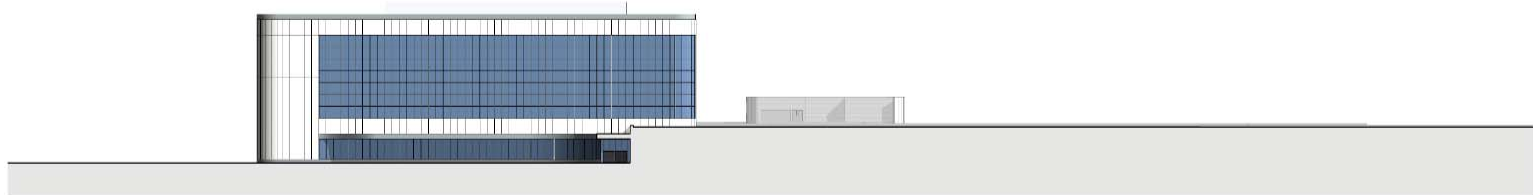
Peter G. Vars, P.E.

Encl.

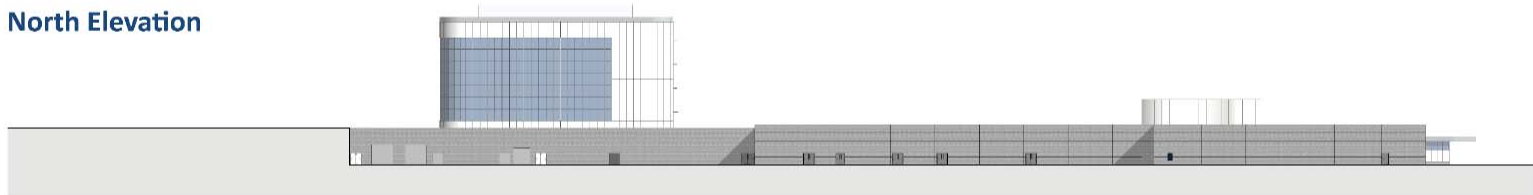
c: Jim Mckenna; The Marketplace
Paul Wilmot; The Marketplace
Shawn Griffin; Harris Beach PLLC
Ashley Champion; Nixon Peabody LLP



Ambulatory Orthopaedics Campus



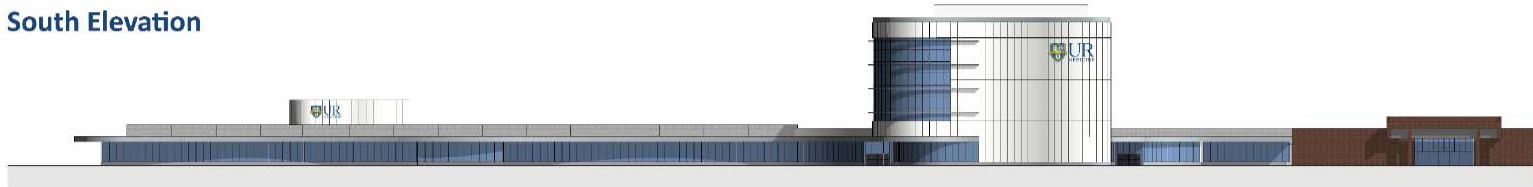
North Elevation



West Elevation



South Elevation



East Elevation

Proposed Project Elevations





Ambulatory Orthopaedics Campus

AMBULATORY ORTHOPEDIC CLINIC

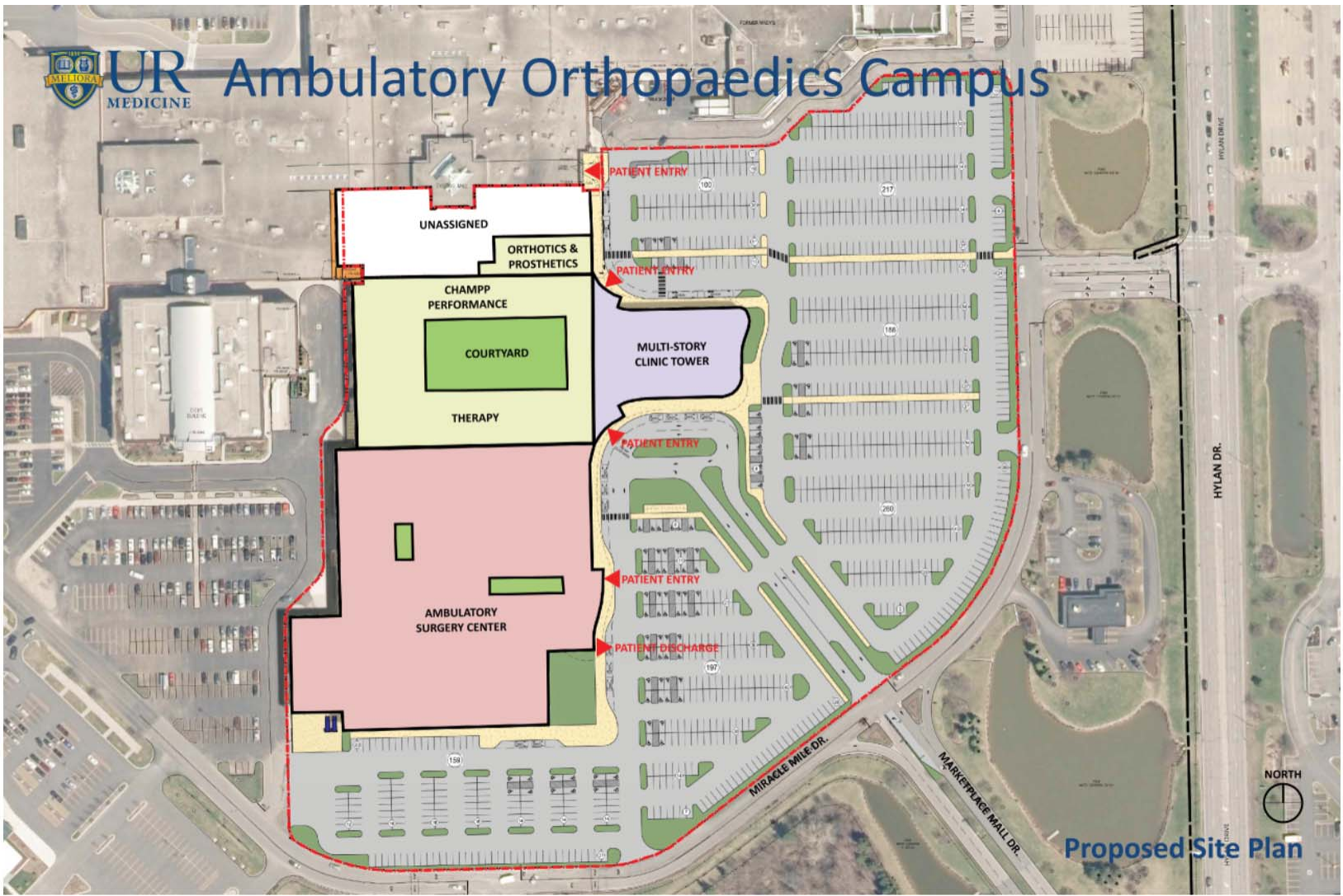


Southeast Perspective





UR Ambulatory Orthopaedics Campus

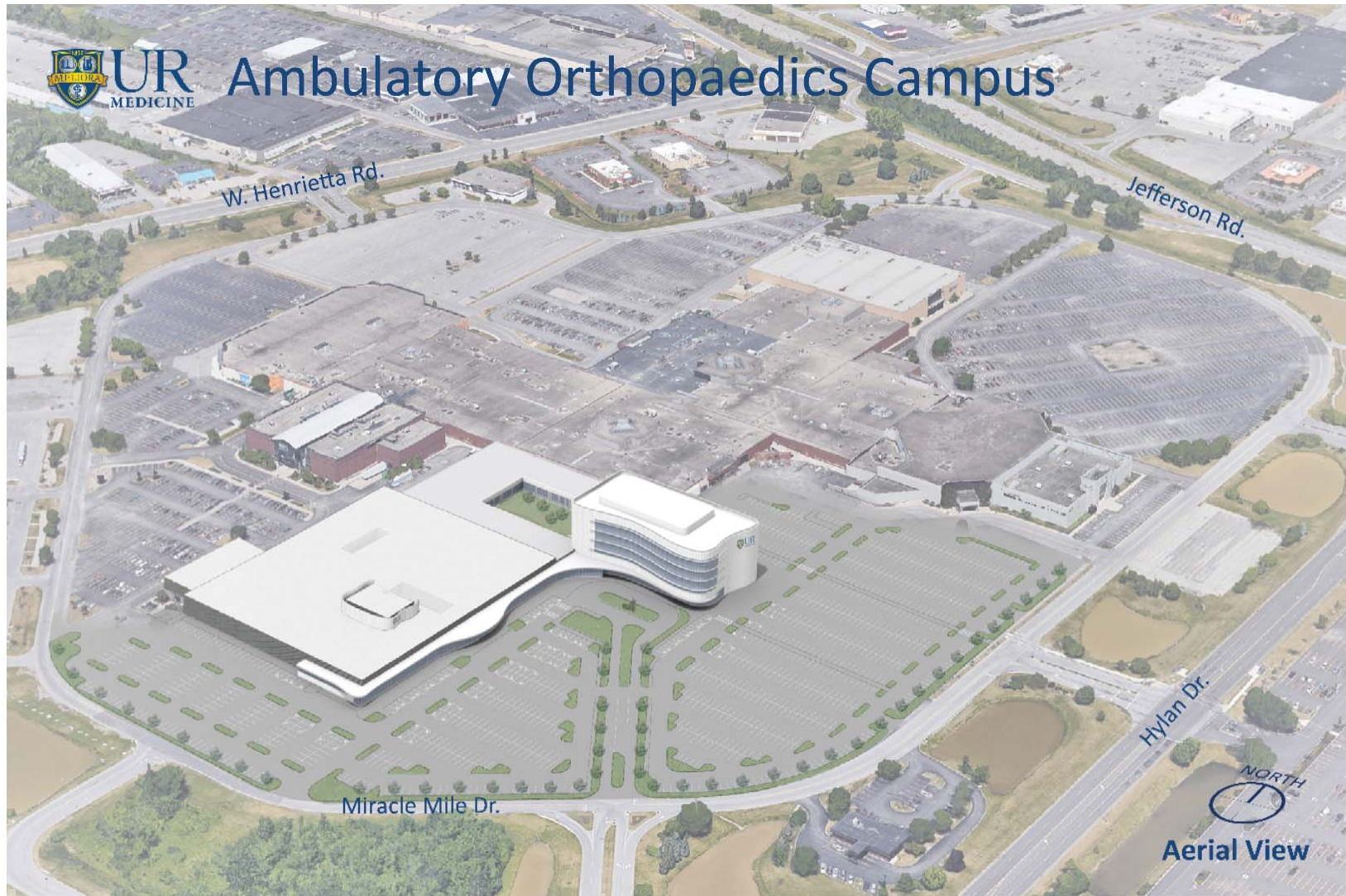


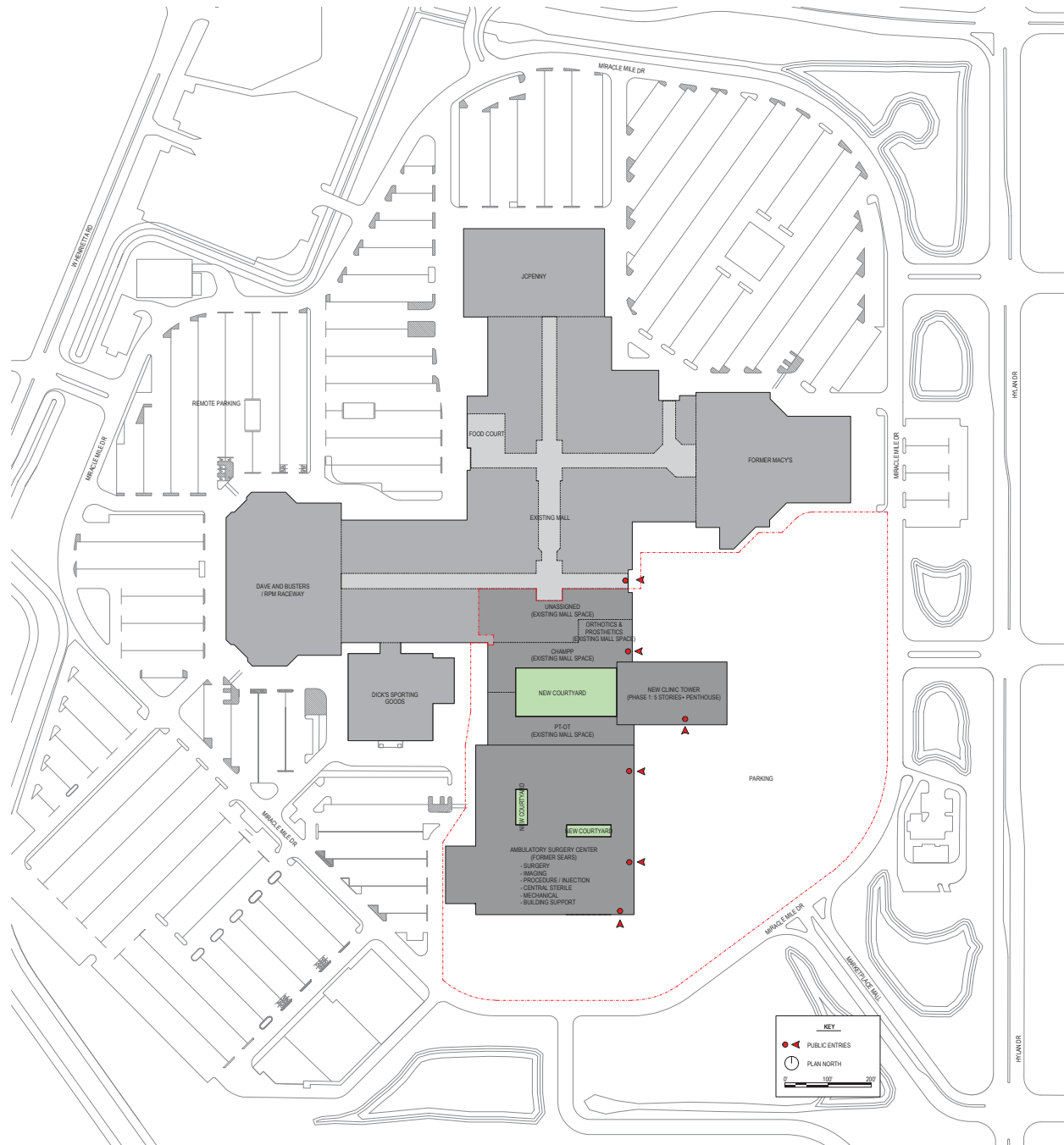
Proposed Site Plan





Ambulatory Orthopaedics Campus





SITE PLAN

DATE ISSUED: DECEMBER 6, 2019