

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 JULY 13, 2022 AT 6:00 P.M.

RESOLUTION #16-228/2022 To approve Special Use Permit Nos. 2022-028/029 to allow the development of a 4-story extended stay hotel with an increased maximum building height.

On Motion of Councilmember Bellanca

Seconded by Supervisor Schultz

WHEREAS, an application was filed with the Town Board of the Town of Henrietta by Indus Development Company, LLC (the "Applicant"), regarding the Applicant's proposal to develop the property known as TownePlace Suites by Marriott, for which the Applicant requests that the Town Board grant Special Use Permit approvals pursuant to Town Code Section 295-25; and

WHEREAS, the Applicant has requested Special Use Permit approval to construct a four-story hotel with approximately 89 rooms (the "Project") (Special Use Permit No. 2022-028); and

WHEREAS, the Applicant further requests Special Use Permit approval pursuant to Section 295-27 to allow the height of the proposed new building to be approximately 52 feet and four stories in height, whereas the Town Code only permits a height of 40 feet (Special Use Permit No. 2022-029); and

WHEREAS, the Town Board has carefully considered all relevant documentary, testimonial, and other evidence submitted, including but not limited to the Special Use Permit applications, Letter of Intent, trip generation calculations, 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 July 13, 2022, 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 (1) grants Special Use Permit approval for the Project, to construct a hotel with approximately 89 rooms, and (2) grants Special Use Permit approval to permit the proposed maximum height of 52 feet and four stories for the proposed building, subject to the following conditions:

1. The Project shall be constructed and operated as a hotel.
2. Applicant agrees to construct the buildings in accordance with the Town's draft design guidelines to the maximum extent feasible.
3. The Project shall be developed and operated consistent with the concept most recently submitted prior to approval, subject to any modifications by the Planning Board during its Site Plan review.

Duly put to a vote:

Councilmember Sefranek	Aye
Councilmember Bolzner	Aye
Councilmember Page	Aye
Councilmember Bellanca	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED

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 proposed use of this property will be consistent with the existing uses within the surrounding area. The area is a developed commercial/industrial area of the Town and would be an infill parcel to the Town Centre Drive, Methodist Hill Drive and Kenneth Drive development between Calkins Road and Lehigh Station Road. Immediately adjacent to the south of the proposed development exists a Taco Bell drive-thru restaurant and a vacant pad for future commercial development. Across the street to the west is a gas station with Dunkin' drive-thru as well as a Super 8 motel and a vacant pad for commercial development. Immediately north of the proposed development are numerous large scale office buildings including EFP Rotenberg and Paychex. To the east of the proposed development is Interstate-390. The development would be surrounded by other commercial uses, including other hotels in the Lehigh Station Road corridor, and abuts Industrial zoned parcels on all sides.

Within the same Industrial zoning district within the Town, other multi story hotels, greater than 40' in height exist such as the Hampton Inn, Home2 Suites, and the Double Tree Inn located along Jefferson Road and the RIT Inn and Conference Center located approximately a mile away from the proposed site. Other multi-story buildings greater than the proposed hotel height exist within the Town as well including the approved URMC medical facility tower at Marketplace and buildings within the RIT campus.

The proposed use is not adjacent to residential neighborhoods which are generally located west of West Henrietta Road, north of Calkins Road, and over a mile east from I-390. The residential neighborhoods are buffered by existing various commercial & industrial developments and highway networks including I-390.

The proposed use will develop a now vacant parcel proposed for future commercial use to help complete the development along Kenneth Drive and provide a well needed asset to the community and surrounding area.

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. The Project is consistent with the Town's zoning of the area, which zoning is based upon the Comprehensive Plan.

Moreover, as stated in the Comprehensive Plan, development of areas north and south of the NYS Thruway are changing the landscape and visual character of the Town as it continues to transition into suburban uses. It is also stated the desire to connect people and places through linked street patterns with pedestrian pathways as well as establishing high quality design with development

standards and guidelines to enhance the look and function of developing areas without sacrificing local character. The Comprehensive Plan shows that the project site and its surrounding properties, while commercial uses, are all within the Industrial zoned district as existing and future land uses. The Plan calls for the development of underutilized and vacant sites, which is accomplished with this Project.

The proposed development would include Marriott's newest TownePlace Suites prototype with updated amenities including public space, suites with updated workspaces, fitness center, meeting spaces, and outdoor patios and recreation area. The applicant is proposing to connect the on-site sidewalk from the hotel to the Kenneth Drive sidewalk system which will link to the commercial parcels to the south. The addition of a fourth floor of the hotel also allows for less of a building footprint and greater lawn and site amenities.

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 and is consistent with the Industrial zoning district of the Town. The proposed hotel use allowed with a special use permit within the Industrial district and 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.

The code states that non-industrial activities within the districts are allowed and should act as an accessory or complement existing and future industrial uses within the district. Adjacent to the project and throughout the Town are various commercial uses all within the Industrial district, including hotel/motels. The proposed hotel use would complement all existing and future uses within the district.

As part of this Special Permit Application the applicant is requesting to allow the construction of a 4-story hotel which exceeds the maximum 40' allowed. It should be noted that there are other hotels and buildings within the Industrial districts throughout the Town that are greater than 40' in height and thus the proposed hotel is alignment with development within the zoning district.

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 hotel will not be a nuisance or create any of the conditions noted above that are out of the ordinary within the Industrial zoning district in the vicinity of the project. The hotel will be designed and constructed to conform with local, State and County agency requirements as necessary. Allowing the hotel to be greater than 40' not only allows an additional floor for guest rooms but provides adequate screening of rooftop mechanical equipment.

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. Ample parking of vehicles will be available on-site including adequate ADA accessible spaces.

The hotel check-in and check-out times, which are peak times for the use, generally cause the hotels peak times to be offset from the adjacent street network peak traffic hours, reducing any potential traffic impacts.

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 a vacant parcel that is currently overgrown meadow. The surrounding land is developed. The site is immediately adjacent to a Town road and State highway to the west and east, and to the north and south by commercial buildings and parking areas.

Disturbance to the project site is necessary for construction of the hotel, parking lot, utility connections and stormwater management facility 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 zoning district and does not abut any residential zoned districts.

A full SEQR analysis was completed by the Town, concluding with a Negative Declaration, which is incorporated herein and made a part hereof.

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 proposed use as the site is in a developed commercial/industrial park. This site offers significant assets such as highway access, space for ample parking, pedestrian sidewalk network, as well as space to detain stormwater runoff on site and readily available utility infrastructure. The closest residential homes are east of I-390 and Middle Road. A full SEQR analysis was completed by the Town further assessing these issues, concluding with a Negative Declaration, which is incorporated herein and made a part hereof.

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 project 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 hotel does not require an extension of existing infrastructure or creation of new Town roads. Ample parking will be available for hotel guests and existing sidewalks are available along Kenneth Drive which the hotel will connect to. The adjacent properties are currently served by emergency services and the proposed use does not alter their ability to serve the area. A required 30' wide fire lane will be proposed for the 4-story hotel and adequate space given to emergency vehicles.

There are other hotels within the Town that are of similar height to what is being proposed that are served by local emergency service providers today. The proposed height at $\pm 52'$ is able to be served by the Henrietta Fire District aerial ladder apparatus. The site also provides close proximity to major highways and road networks in order to serve a significant portion of the Town and County. Indus evaluated many different sites around the Rochester area and weighed critical factors such as those listed above, and this 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.

The proposed use is anticipated to enhance a developed area to provide a new hotel extended stay model to better serve the community. The site will be designed in accordance with the Town design standards to ensure adequate traffic and pedestrian circulation from Kenneth Drive to the site are met. The project will include on-site indoor and outdoor recreational amenities, and will also include a sidewalk network that will connect to the existing sidewalk network along Kenneth Drive within the Calkins Road Professional Park.

Moreover, a full SEQR analysis was completed by the Town, further assessing these issues, concluding with a Negative Declaration, all of which is incorporated herein and made a part hereof.