

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 AUGUST 30, 2023 AT 6:00 P.M.

RESOLUTION #17-286/2023 To approve Special Use Permit No. 2022-051 for a proposed multifamily development by A.R. Building Company at or about 2160 and 2132 East Henrietta Road.

On Motion of
Supervisor Schultz

Seconded by
Councilmember Sefranek

WHEREAS, A.R. Building Company (the "Applicant") has applied for Special Use Permit No. 2022-051 pursuant to the Henrietta Town Code at Section 295-16[A](10) for the construction of two four story apartment buildings, club house, and associated site improvements, comprising of 101 +/- units on lands comprised of 8.46 +/- acres, with a proposed density of 11.94 units per acre (the "Project") on property at or about 2160 and 2132 East Henrietta Road, Tax Map Nos. 162.18-2-4.1 and 162.18-2-2, respectively, (the "Property"); and

WHEREAS, public hearings relative to the Project were held on January 18, 2023, February 8, 2023, May 10, 2023, August 9, 2023, and August 30 2023, at public meetings at Town Hall, at which time feedback and concerns from neighbors, residents, and Town Board members were heard and considered; 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 application, 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

WHEREAS, the Town Board has considered each of the criteria for granting of the requested Special Use Permit approvals, all as set forth in Town Code Section §295-54; and

WHEREAS, on August 30, 2023, 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.

THEREFORE, BE IT RESOLVED, that in assessing each of the criteria for granting of the requested Special Use Permit approvals, all as set forth in Town Code Section §295-54, the Town Board makes the findings set forth at Exhibit "A" attached hereto, incorporated herein, and made a part hereof.

BE IT FURTHER RESOLVED, that, given the conditions imposed herein, and for the reasons discussed during public meetings, elaborated upon as part of the SEQR review, and set forth as part of the Town Board's review of the Special Use Permit criteria attached hereto as Exhibit A, the Town Board finds that criteria set forth at Town Code Section §295-54 are satisfied for the Project, supporting approval of the same.

BE IT FURTHER RESOLVED, that Special Use Permit Application No. 2022-51 for the construction of two four story apartment buildings, club house, and associated site improvements, comprising of 101 +/- units on a proposed 8.46 +/- acre parcel, with a proposed density of 11.94 units per acre, is approved, subject to the following conditions:

1. This approval is limited to the proposal as presented in and consistent with the most recent version of the Application. Should changes be proposed which are materially inconsistent with said Application, the developer will be required to either amend this Special Use Permit or apply for a new one, including possibly requiring additional SEQR review.
2. Development of the proposal shall require Site Plan review by the Planning Board. Subject to the Planning Board's review and discretion, the Site Plan shall depict and require the following features so as to provide the offered mitigation to the identified potential adverse impacts:
 - a. A means to block headlights, such as a solid fence, berm, or other barrier of sufficient height to block light from headlights shining east into adjacent properties, shall be installed and maintained to the east of any road or parking lot.
 - b. A means to help prevent cut-through traffic from East Henrietta Road through the backyards of adjacent properties must be created. The pond would present such a barrier, but a fence or similar barrier should be installed and maintained running roughly north-to-south to the west of the interior edge of the 100' transition buffer to the properties to the east, especially for any area that is not pond or densely wooded. This fence or barrier may extend into the 100' transition buffer to the properties to the north or south so as to complete the closing off of the potential cut-through path. There is no need for such a barrier running east-to-west along either the northern or southern edges of the parcel as those properties themselves have access to East Henrietta Road so cut-through is not an issue.
 - c. The dumpster location must remain as far away from adjacent residential properties as practicable, such as at its location on the submitted plans.
 - d. The transitional buffer must be maintained at its full 100' width between the development and any adjacent residential property, all per Henrietta Town Code at Section 295-60[E].
 - e. At least 70' of the transitional buffer between the development and the adjacent properties along Lalanne Drive must remain as a vegetative buffer comprised of trees. Those trees must be outside the limits of disturbance and grading. In addition, the landscaping plan should address filling in any deficiencies or gaps in the buffers, especially to the east. At the Planning Board's discretion, it may permit minimal disturbance of current trees, but only in order to increase the quality of the buffer, such as to create space to add a row of evergreen trees, for instance. It is essential a wooded buffer remain to help mitigate adverse impacts identified regarding privacy, visual impact to adjacent properties, and construction noise and dust.
 - f. A private fire hydrant must be installed and maintained, preferably at a location just off the parking lot between the northeastern apartment building and the clubhouse, as the public hydrants are quite far from those buildings.
 - g. The parking lot drive aisles and the turns between parking lots must provide ample space for emergency vehicles.

- h. A berm, swale, combination thereof, or other means shall be created and maintained such that storm water sheeting down the property to the east is captured in the drainage pond, especially in the northeast corner of the property.
- 3. The Applicant shall obtain any required variances from the Zoning Board of Appeals prior to issuance of a building permit.
- 4. With regard to any proposed reduced parking, either a variance shall be required for the same or the parking shall be "land-banked" on the approved site plan per the direction of the Planning Board, but any such land-banked parking shall not be within any vegetative or transitional buffers between the nearby residences and the development.
- 5. The Applicant shall provide any easements required by the Planning Board, as identified during Site Plan review, including the new easements for sanitary sewer and storm sewer connections.
- 6. The two parcels, 2160 East Henrietta Road (tax map ID 162.18-2-4.1) and 2132 East Henrietta Road (tax map ID 162.18-2-2) shall be re-subdivided and combined into a single parcel, ultimately forming a single 8.46-acre parcel, all prior to the issuance of any building permits.
- 7. The existing structure at 2132 East Henrietta Road shall either be incorporated into the plans for the apartment complex or shall be demolished prior to obtaining the Certificate of Occupancy for the second of the two apartment buildings. It may not be used as a separate commercial business distinct from this apartment complex unless it is parceled out separately, in which case the unit density shall be recalculated to reflect any reduced combined acreage, but in any event such unit density shall remain below 12-units per acre.

Duly put to a vote:

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

RESOLUTION ADOPTED

Exhibit A - Special Use Permit Assessment by the Henrietta Town Board for East Henrietta Apartments by AR Builders

§ 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.

The proposed development is within the height requirements, unit density requirements, green space requirements, and building side requirements for the Commercial B-2 Zoning District in which it is being built. The front facades and pitched roofs proposed are consistent in appearance with other apartment buildings in the area. The four stories are taller than other nearby apartments, but there are other four-story buildings in the area and the proposed height is within the requirements of the Zoning District.

There were a number of site plan iterations including revision made in order to achieve compliance with the unit density, including the acquisition of an adjacent commercial property to provide additional acreage. The commercial structure is required to be removed prior to the Certificate of Occupancy can be issued for the second of two buildings as the vacant land is necessary to meet the requirements.

- 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 Town's 2019 Update to the Comprehensive Plan included the identification of East Henrietta Road as a Mixed-Use area, including the creation of a Mixed-Use Overlay District in the area and the inclusion of multi-family developments as one of the permitted uses in a Commercial B-2 Zone.

The 2019 Update also introduced the concept of transition buffers between existing properties and new developments and the developer has repeatedly modified its plans to better accommodate those buffers, including relocating buildings so that they are farther from adjacent individual homes, rotating the buildings so that any balconies do not overlook someone's backyard, and rearranging parking lots to move the storm pond further west to allow for a much large stand of trees in the required transition buffer. This will not only help shield the individual homes in the long run but should also help reduce some of the impact due to construction.

- 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.

As discussed above, this area was identified as a potential location for apartment buildings thanks to a number of factors including nearby public transportation, nearby Town parks and facilities, and nearby commercial businesses including grocery and drug stores.

- 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. There is the potential for dust to be generated during the construction phase, which is why the Town Board felt it was important to save as much of the natural tree buffer as possible. Town Staff will be monitoring construction and will require additional measures be taken should construction dust begin to become problematic.

- 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 (NYSDOT), who governs East Henrietta Road, does not believe the additional vehicles added to the road network will cause any appreciable change in traffic quality. There is an existing sidewalk network, and the Town Board required the developers to connect their internal sidewalks to that network to help protect pedestrians leaving the apartment complex. While the NYSDOT and the Town believe the complex would be better served by having the second gated access actually be an active access, potentially with restrictions on turning as the NYSDOT sees fit (certainly a right-out restriction makes sense to the Town), having a second gated access does provide additional emergency access.

- 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).

Due in part to its proximity to existing single family residential homes, this project was carefully assessed relative to a number of potential adverse impacts. The Town Board identified 19 different potential adverse impacts and SUP concerns, presented them to the developer for mitigation, and

examined responses and proposed mitigation measures. The developer has mitigated and/or addressed each of those potential concerns to the satisfaction of the Town Board, all as set forth in the "Summary of SEQR/SUP Considerations" attached to the EAF Part 3 Narrative, which Part 3 Narrative is attached hereto, incorporated herein and made a part hereof. Many potential issues have been addressed as conditions to the Special Use Permit in order to further ensure mitigation of potential adverse impacts to the adjacent homeowners. Consistent herewith, the Town adopted a Negative Declaration pursuant to SEQRA.

- 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 revised plans, with the additional space from the adjacent parcel to the north, includes the redesigned storm pond, which is designed to catch the vast majority of any run-off, and which pond design allows approximately 75-feet of existing trees to remain untouched in the transition buffer to adequately screen neighboring properties. The Town has required, as part of the SUP approval, that the developer fill in with new trees any portion of that screening buffer that might be deficient due to dead or missing trees.

The Town also required the developer to obtain sanitary and storm sewer easements in order to connect to the existing sanitary and storm sewer systems so as to reduce the amount of storm water runoff that reaches neighboring properties downhill from the apartment complex.

- 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.

The site has sufficient utilities and infrastructure for the proposed uses. The Town has been monitoring the existing sanitary sewers to ensure there is adequate capacity for the new development and based on measurements taken, and the Town has concluded that there is, indeed, sufficient capacity.

The project has been reviewed by the Fire Marshal as well as by representatives from the Henrietta Fire District and CHS Mobile Health Care with regards to emergency access. The Town is requiring the installation of private fire hydrants to reduce the distance fire fighters have to run a connection.

- 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 NYSDOT has reviewed the proposed access roads and believes they provide safe and efficient vehicular traffic patterns (this includes the possibility of removing the gated access, in the future, across the secondary access road and making that a limited-turn access road, such as right-in/right-out only, or possibly just right-out only. The Town agrees with this proposal by the NYSDOT).

The Town required the internal sidewalks be connected to the existing public sidewalks to allow residents of the apartment complex to easily walk to nearby commercial properties. The NYSDOT will be making improvements to East Henrietta Road in the future, including improving the safety of pedestrian crosswalks. The sidewalk network connects directly to the main Town Hall complex, including the Henrietta Public Library, Recreation Center, Veteran's Memorial Park, and more.

**EAF Part 3 Narrative for the Henrietta Apartment Buildings Proposed Development
2160 East Henrietta Road**

August 30, 2023

In addition to the narrative below, this EAF Part 3 narrative hereby incorporates the following, which is made a part of this Part 3 reasoned elaboration, and which therefore is a part of the basis for the SEQR determination:

- a. Special Use Permit Application SUP 2022-051 for 2160 East Henrietta Road Apartments, prepared by A. R. Building Company dated December 14, 2022 and revised and resubmitted July, 2023;
- b. SUP Response Letter from Brad Simmons of Civil & Environmental Consultants, Inc. to Stephen L. Schultz, dated February 3, 2023;
- c. Proposed Multi-Family Residential Development Conceptual Site Plan, prepared by Civil & Environmental Consultants of New York State, Inc., dated December, 2022 and revised May 9, 2023;
- d. Part 1 of the Full Environmental Assessment Form, completed by A.R. Building Company, dated December 14, 2022, revised February 3, 2023 and final revised July 21, 2023;
- e. NYS Department of Environmental Conservation Letter from Robert B. Call to Brad Simmons of Civil & Environmental Consultants, Inc., dated November 13, 2022;
- f. SEQR Lead Agency Request Letter from Christopher E. Martin, PE of the Town of Henrietta for the 2160 East Henrietta Apartments project, dated December 29, 2022;
- g. NYS Department of Transportation Email from Zachary J. Starke, PE to Chris Droznek of A.R. Building Company, dated October 28, 2022;
- h. NYS Department of Transportation Letter from Christopher Reeve, PE to Christopher E. Martin, PE of the Town of Henrietta, dated January 19, 2023;
- i. Town of Henrietta Letter from Supervisor Stephen L. Schultz to A.R. Building Company, dated January 20, 2023;
- j. Monroe County Letter from Adam J. Bello to Town of Henrietta Supervisor Stephen L. Schultz, dated January 27, 2023;
- k. Sanitary Sewer Televising Logs for the Rodlea Circle Sanitary Sewer completed by the Town of Henrietta Sewer Department on February 15, 2023;
- l. SUP Response Letter from Brad Simmons of Civil & Environmental Consultants, Inc. to Stephen L. Schultz, dated April 28, 2023;
- m. SUP Response Letter from Brad Simmons of Civil & Environmental Consultants, Inc. to Stephen L. Schultz, dated May 5, 2023 and revised and resubmitted July 24, 2023, including all Exhibits thereto;

- n. Exhibit A to the Town Board approval Special Use Permit Resolution for the proposal.
- o. Summary of SEQR/SUP Considerations Identified from Public Hearings/Meetings

1. Impact on Land

No material impacts, as per the following:

- 1b. A portion of the multi-family development will be constructed on slopes greater than fifteen percent. In these areas, the slopes will be stabilized as soon as possible with jute mesh and other erosion control devices as indicated in the erosion and sediment control plan in order to prevent erosion.
- 1d. The project will result in the excavation of topsoil which may exceed 1,000 tons. The placement of the topsoil will be handled via a Stormwater Pollution Prevention Plan (SWPPP). The stockpiles are temporary and will be stabilized to avoid potential dust and erosion.
- 1e. The construction of the 2160 East Henrietta Road Apartment project will take approximately one year. Construction activities will be phased so that land disturbance and site impact is minimized.
- 1f. While some vegetation will be removed from the development area, a vegetative buffer of at least fifty feet in depth will be preserved and improved along the existing residential neighborhoods. The existing treed transitional buffer will be protected by orange construction fence to prevent it from being removed or disturbed during construction. Also, a SWPPP will be in place to ensure erosion does not occur. The site will be inspected once or twice per week throughout construction to monitor and ensure the implementation of the SWPPP. Finally, no work is scheduled to be performed within the 0.02 acre protected federal wetland unless the applicant obtains a permit from the United States Army Corps of Engineers.

Moreover, see Section 7, herein, for further analysis which is also applicable to impacts on land.

2. Impact on Geological Features

No impact; there are no material geological features on or adjacent to the site.

3. Impacts on Surface Water

No material impacts, as per the following:

- 3a. As part of this project, a new stormwater management facility will be constructed in conformance with New York State Department of Environmental Conservation (NYSDEC) requirements.
- 3d. The action has the potential to create turbidity and sediment in the adjacent water bodies if the proper erosion control devices are not implemented or properly

maintained. However, a Stormwater Pollution Prevention Plan (SWPPP) will be used to protect surface water. Additionally, the SWPPP shall use sedimentation basins, stone check dams, stabilized construction entrances, silt fence, and other erosion control devices to control site erosion. Also, site inspections will be performed two times a week if more than five acres of land is disturbed or weekly until the site is stabilized to ensure that erosion is not leaving the site.

3e. See paragraph 3d.

3h. See paragraph 3d.

3i. See paragraph 3d.

In addition, the existing site appears to cause shallow sheet flow / uncontrolled drainage that generally runs from East Henrietta Rd. to Lalanne Rd. The stormwater management system to be installed as part of the proposed project is expected to reduce the sheet flow / uncontrolled drainage to adjacent properties, perhaps by as much as 70%.

4. Impact on Groundwater

No impact.

5. Impact on Flooding

No impact; the project is not located within a floodplain.

6. Impacts on Air

No impact.

7. Impact on Plants and Animals

No material impact.

Pursuant to the DEC Mapper, there are no endangered species or rare plants or animals located within the project area. Also, the transitional buffer on the site will allow animals to access other undisturbed land in the area.

Moreover, the proposal seeks to minimize any potential impacts to plants and wildlife by:

- Focusing development to open areas on the site and minimizing impacts to the denser wooded areas,
- Minimizing the development footprint by incorporating vertical vs. horizontal development,
- Incorporating a reduced parking area, reducing paved parking by approximately 15,000 SF (but a variance or land banked parking will be required), and
- Maintaining more than 2.5 contiguous acres of densely wooded area, which comprises more than half of the subject property's total area.

8. Impact on Agricultural Resources

No impact; the project is not located within an agricultural district.

9. Impact on Aesthetic Resources

No material impact: the land is zoned for multi-family developments with the issuance of a special use permit from the Town Board. See also 17 and 18 herein.

10. Impact on Historic and Archeological Resources

No impact; the project is not located within an archaeological sensitive area.

11. Impact on Open Space and Recreation

No impact. This project includes the development of internal and external sidewalks which will improve access within the site and will allow residents access to the sidewalks located along East Henrietta Road.

12. Impact on Critical Environmental Areas

No, impact; there are no CEA's on or adjacent to the site.

13. Impact on Transportation

No significant impacts, as per the following:

The proposed 101-unit multi-family facility will result in a slight increase in traffic along the East Henrietta Road corridor. As indicated in correspondence from Zachary J. Starke, PE of the NYSDOT to Chris A. Droznek II, PE, PTP of Civil & Environmental Consultants, Inc., in accord with information relating to the Project, and based upon DOT's understanding of the site and the existing highway conditions, a traffic impact study will not be required for this project.

A second gated entrance for emergency access will be provided to East Henrietta Road.

14. Impact on Energy

No material impacts, as per the following:

The project will result in the need for additional energy to service the multi-family facility. However, the project will utilize high efficiency appliances and ample capacity is present in the area.

15. Impact on Noise, Odor, and Light

Minor, non-material impact.

The site is located along a well-traveled thoroughfare in Town, East Henrietta Rd. / Route 15-A, comprising four lanes fronting the site, plus a center median, and is thus subject to material background traffic noise, as well as noise from the businesses and residences nearby. The noise generated from the proposed project after construction is not expected to materially differ in intensity from such existing background noise and is otherwise expected to be consistent therewith, including as it may relate to impacts at adjacent

properties which are also subject to existing background noise of East Henrietta Rd. / Route 15-A and nearby existing businesses and residences.

The lighting will be contained on site and not impact adjacent properties. During construction, noise will be required to be kept below the Town's local ordinance levels and time periods. Also, dark sky compliant lighting will be used for the proposed street lights in order to reduce any light shining on adjacent properties.

Car headlights will also be shielded with fencing and landscaping.

16. Impact on Human Health

No significant impacts, as per the following:

The site has no environmental conditions which could result in an impact to human health. The proposed use will not generate waste which could impact human health.

The condition and capacity of the downstream sanitary sewer was reviewed by the Town by visually inspecting the sewer with a camera and by installing a flow meter within the sewer main. Both the condition of the downstream sanitary sewer and the sewer capacity are adequate to meet the demands from this facility.

17. Consistency with Community Plans

No material impacts, for the following reasons:

The proposed use, multi-family residences, is permitted subject to obtaining special use permit from the Town Board. Given that the proposed lands are zoned B-2, there are a number of other uses permitted which would represent much less consistent uses as compared to nearby residential single-family homes, such as banks, medical centers, offices and office buildings, and commercial and retail businesses and plazas which are common in the B-2 district, for example. This proposed use presents an opportunity to create a transitional use between the residential nature of nearby single-family homes and the commercial nature of the B-2 District.

The project proposed is a multi-family residential project which is not inconsistent with nearby residential uses, as they are both of residential character.

The Town's Comprehensive Plan calls for a "range of housing opportunities and choices," specifically providing that "Henrietta needs to ensure that a broad mix of housing opportunities is available for its increasing population . . ." These are goals which this proposal furthers.

See also, 18, below.

18. Consistency with Community Character

No material impacts, for the following reasons: See 17, above.

Moreover, while there are single family homes adjacent to the project, they are almost exclusively located within a residential subdivision that is physically distinct from the

project, as the project is located off of and accessible via East Henrietta Rd. vs. the interior roadways of the residential subdivision.

While the project is a multi-family residential project that has buildings which are larger in scale than the single-family homes of the nearby residential subdivision, only a portion of the project will be visible from the residential subdivision, as the project is designed to preserve and improve a vegetative buffer (including by replacing dead trees therein) between the residential subdivision and the project, providing material noise and visual screening. A landscaping plan was developed for the project, depicting such vegetative buffer.

The applicant was required to and did provide a visual rendering depicting that the project as planned will largely be screened from the nearby residential subdivision. In addition to the vegetative buffer, a fence, berm or similar barrier will be installed near the buffer to protect against impacts from lights of vehicles in the parking area.

The project is more fully visible from East Henrietta Road, however, its scale and character is consistent with many other buildings and plazas located along East Henrietta Road.

Moreover, the buildings have been positioned to mitigate balconies or apartment windows that would overlook adjacent residential properties, and buildings have been positioned to the west in order to create separation distance from the residential neighborhoods.

Notably, rights to the parcel to the north were acquired in order to add more acreage to the project, and one proposed unit was eliminated, all such that the unit density is now at or under the density limitation applicable.

Given the fact that the project is residential in nature and thus, in that manner, is consistent with the residential character of the nearby residential subdivision, because it is located in a manner such that it is physically distinct from the residential subdivision, and because it incorporates a vegetative buffer and fence to mitigate noise and visual impacts, it is consistent and compatible with community character and community plans.

18b. The project will result in a small demand for community services, however, there is currently ample capacity.

Summary of SEQR / SUP Considerations Identified from Public Hearings/Meetings for 2160 East Henrietta Road Apartment Complex

- 1. Drainage** – Neighbors stressed that they have a lot of drainage issues on their properties due to run-off from the uphill property.
Mitigation Offered: Collect all run-off from impervious surfaces and direct it to a stormwater detention facility that will control and reduce the rate of run-off from the property.
- 2. Storm Sewer Access** – A neighbor notified the Town that the storm sewer easement on the map was never executed or filed.
Solution: A new easement was acquired for storm sewer access through an adjacent property on Rodlea Circle.
- 3. Wildlife** – Neighbors concerned about the wildlife that currently lives on that property.
Mitigation Offered: The storm water pond was shifted west to create a strip of wooded land with a minimum width of 50' and widening out north of the pond and then connecting to a 100' wide wooded area along the northern boundary of the parcel.
- 4. Character of Neighborhood** – Neighbors concerned about whether a four-story apartment building belonged on East Henrietta Road.
Justification Presented: Architectural renderings of the apartment buildings were provided showing how the new apartments compare to other structures in the East Henrietta neighborhood.
- 5. Visual Impact to Adjacent Neighborhood** – Neighbors concerned that a four-story apartment up on the hill would have a strong negative visual impact on their neighborhood.
Justification Presented: 3D renderings were provided showing that the wooded buffer along the east side of the parcel, shifted such that it is a minimum of 50' wide, provides adequate screening for the properties along Lalanne Road.
- 6. Privacy** – The Town Board (at the neighborhood meeting) and neighbors concerned that the apartments would be overlooking their yards.
Mitigation Offered: The buildings were rotated such that no balconies or apartment windows overlooked adjacent residential properties and buildings were shifted west as far as possible.
- 7. Unit Count and Density** – The Town Board (at the neighborhood meeting) and neighbors questioned the unit count and density, which was greater than the prescribed number in the Zoning District.
Solution: The parcel to the north was acquired to add more acreage, and one unit was eliminated, such that the unit density is now at or under the density limitation for the zoning district. The new parcel would need to either become part of this parcel or would need a conservation easement placed on it so that no further development could take place there.
- 8. Traffic** – Neighbors questioned whether East Henrietta Road could handle the additional traffic.
Justification Presented: The New York State DOT has stated that they do not perceive there to be any potential adverse impact from the additional traffic being introduced onto East Henrietta Road.

9. **Parking** – Neighbors questioned whether there were enough parking spaces.
Mitigation Offered: A variance or land-banked parking would be required. Note: this land-banked parking cannot be located in any transition buffer. This is a condition of the SUP approval.
10. **Immediate Proximity** – The neighbor immediately to the north complained that the apartments, being within 50' of his business, would lower its value and create other issues.
Mitigation Offered: The property to the north was purchased and added to the project. This now eliminates that 50' buffer but does create a 100' buffer to the residential properties on the far side of that newly acquired parcel. No roads, parking lots, or structures are located within this 100' buffer.
11. **House Market Value** – The neighbors immediately to the east complained the apartments would lower their market value.
Justification presented: Developer provided a narrative about how their other complexes affected, or did not affect, adjacent property values.
12. **Headlight Impact** – The Town Board and neighbors brought up the issue of headlights shining through the trees into the windows of adjacent residences.
Mitigation Offered: The development will include a berm, fence, or other barrier of sufficient height and length so as to block the headlights from cars in the parking lots, east of any road or parking lot. This is a SUP requirement for inclusion on the site plan.
13. **Reducing Cut-through Traffic** – Neighbors brought up the issue of people using the complex as a cut-through from East Henrietta Road to Lalanne Road.
Mitigation Offered: The pond, which creates a natural barrier to prevent cut-through, was extended to cover the majority of the property width and any necessary fencing would be added to the west of the inside edge of the 100' transition buffer to the adjacent residences to the east for any portion that is not pond or heavily wooded. This is a SUP requirement for inclusion on the site plan.
14. **Construction Noise** – The neighbors are concerned about construction noise.
Mitigation Offered: A large swath, approximately 75' of existing trees, would remain along the eastern boundary. The construction is such that it would be quickly encased in exterior walls, reducing noise impacts and all work would only be done during allowed construction hours.
15. **Construction Dust and Dirt** – The neighbors were concerned with the dust and dirt created by construction.
Mitigation Offered: A large swath, approximately 75' of existing trees, would remain along the eastern boundary. The developer would also keep soil moist to reduce dust.
16. **Dumpster Noise** – The Town Board raised the issue (at the neighborhood meeting) that the dumpsters should be located far from homes to reduce noise issues.
Mitigation Offered: Dumpster enclosure locations were moved to the western portion of the parking lots, moving them as far away from adjacent residences as practicable.

17. **Sidewalk Connectivity** – The Town Board raised the issue that the internal sidewalks did not connect to the street sidewalks.

Solution: The latest plans show the internal sidewalks connected to the street sidewalks.

18. **Proper Emergency Access** – The Town Board raised the issue of ensuring that emergency vehicles, and especially fire trucks, could navigate the parking lots in order to respond to emergency calls.

Solution: The drive aisles were widened to allow for easier turning radii, with those radii overlaid on the plans.

19. **Proper Fire Hydrant Access** – The Town Board raised the question of adequate hydrant coverage for the easternmost portion of the buildings.

Solution: Additional private hydrants were added to the plans to minimize the distance between a hydrant and any point in a building.

Project Narrative / Letter of Intent

A.R. Building company is proposing the land development of a vacant plot of land located at 2160 E. Henrietta Street and 2132 East Henrietta Road designated as 263200 162.18-2-4.1 and 263200 162.18-2-2 tax parcels respectively. The subject property is approximately 8.46 acres located in the Commercial B-2 zoning district within the Mixed Use Redevelopment Corridor Overlay District.

The applicant is proposing the development of two (2) multifamily apartment buildings along with associated site improvements including but not limited to private drive paths, resident parking, utilities and stormwater management facilities. The proposed multifamily buildings will be four (4) stories with a mean height of forty-five (45) to forty-seven (47) feet above grade. One building will include twenty-seven (27) one-bedroom apartments the other will include twenty-six (26) one-bedroom apartments and both buildings will include twenty-four (24) two-bedroom apartments totaling one hundred and one (101) units resulting in a density of 11.94 dwelling units per acre. Also included in the proposed development is the construction of a private clubhouse and pool facility for residents of the property. Under the Mixed Use Redevelopment Corridor Overlay District Multi-Family dwellings are permitted with a special use permit.

Grading efforts for site preparation will be minimal due to the lack of existing topography and is designed to balance on-site, therefore it is not anticipated a need to haul material on or off-site. Design efforts have been taken to minimize disturbance to existing vegetation and will maintain a large percentage of existing growth and supplementing vegetation is part of the proposed development. There is a non-jurisdictional delineated wetland measuring 0.02 acres located on site that has also been taken into consideration during the minimize disturbance design approach that will not be impacted.

Utilities to service the development will be coordinated with local service providers. It is anticipated that connection to Water and Electric will be with service laterals from existing lines located on the Eastern side of E. Henrietta St. Sanitary sewer will be conveyed through an existing easement located on the South Eastern corner of the property to an existing line along Rodlea Circle. Stormwater will be managed at a rate and volume not to exceed the ordinance requirement through an acceptable management facility and conveyed through an existing easement located on the North East of the property to an existing line along Lalanne Road.

