

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 JUNE 15, 2023 AT 6:00 P.M.

RESOLUTION #13-217/2023

To approve Special Use Permit Nos. 2023-025/026 for Tru by Hilton to allow the development of a 4-story hotel with an increased maximum building height.

On Motion of
Councilmember Page

Seconded by
Councilmember Bolzner

WHEREAS, the Town of Henrietta received an application (the "Application") from Rudra Management (the "Applicant") requesting Special Use Permit approvals for the development of a hotel to be known as "Tru by Hilton," in an Industrial Zoned District, on a 2.051 +/- acre parcel having Tax Account No. 175.11-1-14.2 (the "Property"), as follows: (1) to construct a four-story hotel with approximately 81 rooms; and (2) to construct said hotel with a height of 56 feet whereas Town Code only permits a height of 40 feet, unless a greater height is permitted via Special Use Permit (the "Project"); and

WHEREAS, more specifically, the Applicant has requested Special Use Permit approval to construct a four-story hotel with approximately 81 rooms (the "Project") (Special Use Permit No. 2023-025); and

WHEREAS, more specifically, the Applicant further requests Special Use Permit approval pursuant to Section 295-27 of the Town Code to allow the height of the proposed new building to be approximately 56 feet and four stories in height, whereas the Town Code only permits a height of 40 feet without a Special Use Permit (Special Use Permit No. 2023-026); 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, and other materials and information submitted by the Applicant, correspondence and oral testimony from the public, State, County and local agencies, and other information, and the Town Board makes the findings of fact set forth in Schedule "A" attached hereto and made a part hereof; and

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

WHEREAS, on June 15, 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 (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 81 rooms, and (2) grants Special Use Permit approval to permit the proposed maximum height of 56 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. The Project shall be developed and operated consistent with the concept most recently submitted prior to approval, subject to any modifications approved by the Planning Board during its Site Plan review.
3. The project shall meet the green space requirements provided to the satisfaction of the Planning Board.

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. Southeast of the proposed development exists a Taco Bell drive-thru restaurant and a vacant pad for future commercial development. Also, an 85 room TownePlace Suites by Marriott is proposed on the opposite side of the street on Kenneth Drive. Immediately south of the proposed hotel 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. Also proposed on the east side of Kenneth Drive is 52 foot high TownePlace Suites by Hilton.

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 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 Hilton's newest hotel prototype with updated amenities including public space, suites with updated workspaces, fitness center, meeting spaces, and outdoor patios and recreation area. 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 (SEQR).

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 (SEQR) 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. 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 $\pm 56'$ 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.

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 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 should 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.



Project No. 6315

May 1, 2023
Rev May 24, 2023

Mr. Stephen Shultz, Supervisor
Town of Henrietta
475 Calkins Road
Henrietta, NY 14467

Re: Tru By Hilton – 355 Kenneth Drive
Town Board Special Use Permit(s)

Dear Supervisor Shultz:

On Behalf of our client Rudra Management, we are submitting materials for the Town Board's review for the above referenced project. We are requesting that the project be added to the June 15th, 2023 Town Board Agenda for re-approval of Special Use Permits for the project. The previously granted Special Use Permits have expired.

The project entails the development of a four story eighty-one (81) room Tru By Hilton hotel on an existing 2.051 acre lot located at 355 Kenneth Drive. Access for the facility will be provided via two proposed ingress/egress points to Kenneth Drive.

The development of the site for the Hotel requires obtaining two (2) Special Use Permits from the Town Board. The site is zoned Industrial (with Specifics).

The first Special Use Permit is for the Hotel Use. The Hotel use is permitted within the Industrial District upon obtaining a Special Use permit from the Town Board under section §295-25A.36., of the Town Code.

The second Special Use Permit is for the Height of the proposed building. The proposed building height of fifty-six feet (56') exceeds the maximum in the district of forty feet (40'), and in accordance with code section §295-27 Building Height Limits., will require a Special Use Permit from the Town Board.

Special Use permits were previously granted by the Town Board at its April 19th, 2017 hearing. The project did not advance to construction at that time as the owner was working on financing for the project and then was delayed due to COVID. The Owner has secured their financing and is looking to construct the project. There have been no physical changes to the proposed project.

CIVIL ENGINEERING • LAND SURVEYING • LANDSCAPE ARCHITECTURE
Costich Engineering, DPC • 217 Lake Avenue • Rochester, New York 14608
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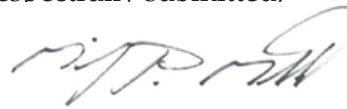
In addition to having previously obtained Special Use Permits for the project, the project had obtained Final Site Plan Approval from the Planning Board. Separate application is being made to the Planning Board for re-approval of the Site Plan.

To aid in your review enclosed please find the following materials:

- Four (4) copies of this Letter of Intent
- Four (4) copies of the Site Plan
- Four (4) copies of the Architectural Elevations (reduced)
- Four (4) copies of the Architectural Color Rendering (reduced)
- One (1) copy of the Town Board Special Permit Application (Hotel Use) w/ the executed Reimbursement of Professional and Consulting Fees Agreement
- One (1) copy of the Town Board Special Permit Application (Height) w/ the executed Reimbursement of Professional and Consulting Fees Agreement
- Four (4) copies of the previous submission materials packet
- One (1) check for \$150.00, Town Board Application Fee, Special Permit (Hotel Use)
- One (1) check for \$150.00, Town Board Application Fee, Special Permit (Height)

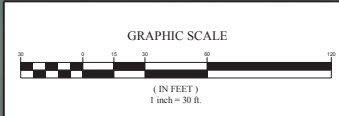
We look forward to appearing before the board at its June 15th hearing for re-approval of the Special Use Permits associated with the project. In the meantime if you should have any questions or require additional information, please do not hesitate to contact our office.

Respectfully submitted,



Michael P. Montalto
COSTICH ENGINEERING

Cc: Jayesh Patel – Rudra Management
Philip Silvestri – Silvestri Architects



- CIVIL
ENGINEERING
 - LAND
SURVEYING
 - LANDSCAPE
ARCHITECTURE
- 217 LANE AVENUE
ROCHESTER, NY 14608
(585) 459-3020

TRU BY HILTON
355 KENNETH DRIVE
**COLOR SITE
RENDERING**

03/13/2017 CR100



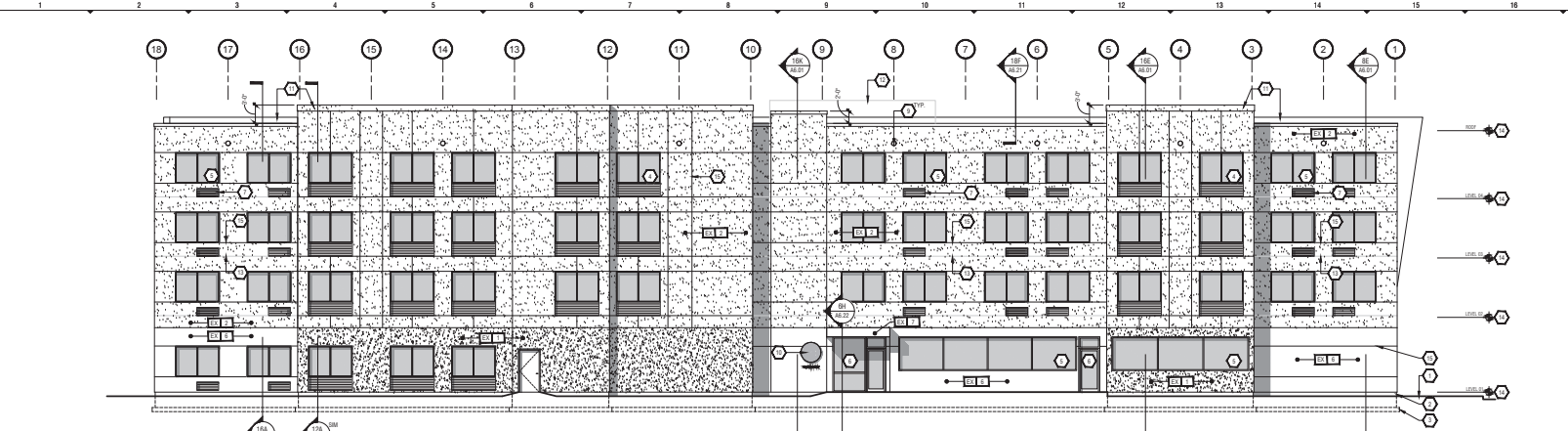
COLORED ELEVATION



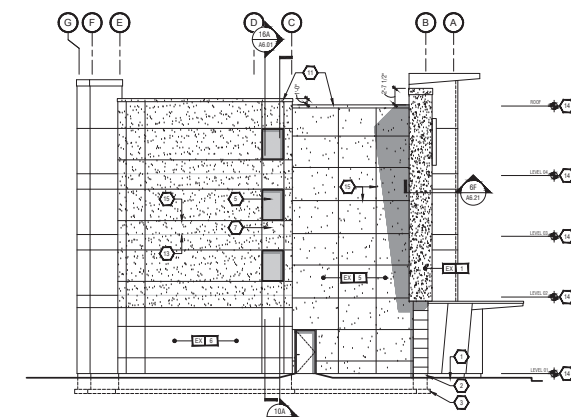
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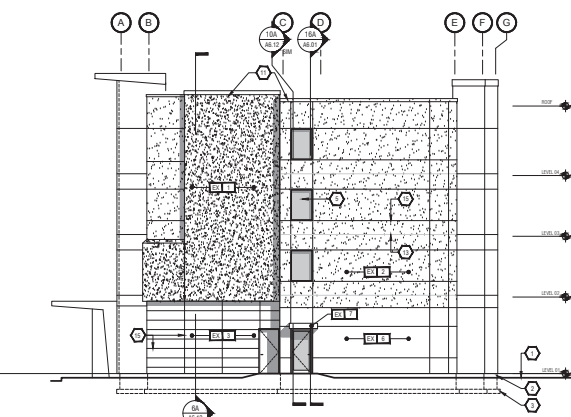
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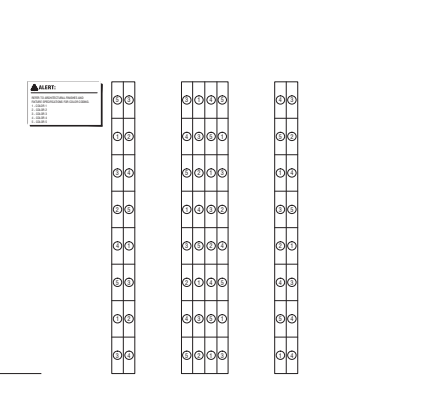
EXTERIOR ELEVATION
1/8" = 1'-0"



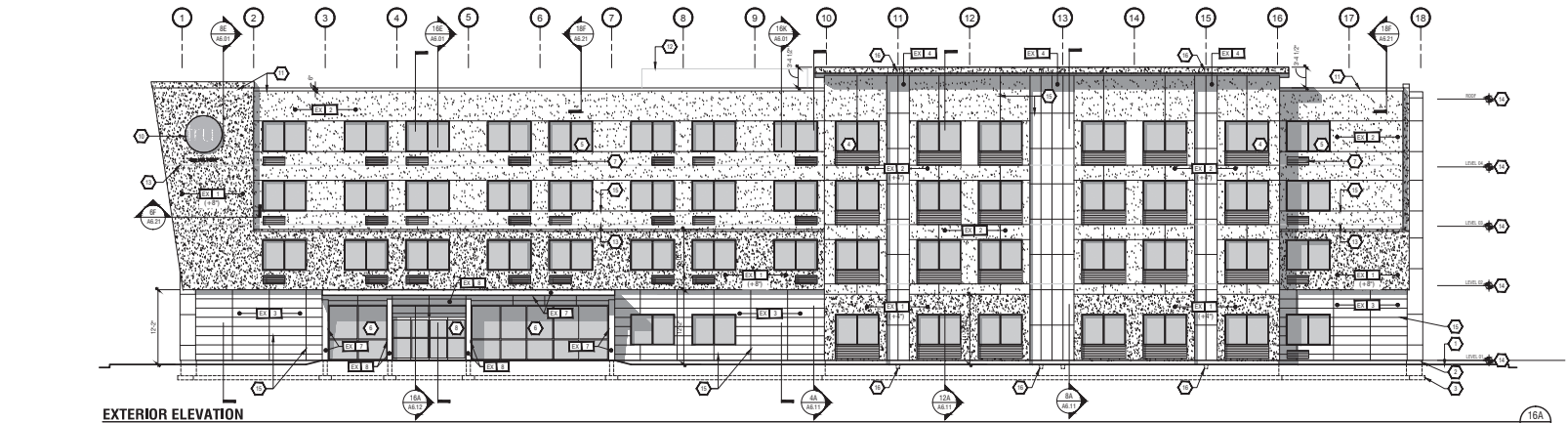
EXTERIOR ELEVATION
1/8" = 1'-0"



EXTERIOR ELEVATION
1/8" = 1'-0"



COLOR DIAGRAM
1/8" = 1'-0"



EXTERIOR ELEVATION
1/8" = 1'-0"

KEY NOTES:

- 1 APPROXIMATE LINE OF GRADE
- 2 ABOVE GRADE EXPOSED FOUNDATION WALL
- 3 CONCRETE FOOTING AND FOUNDATION WALL AS REQUIRED PER LOCAL PROJECT SPECIFICATIONS
- 4 ALUMINUM FINED WINDOW IN THERMAL BREAK FRAME, ISOLATED GLAZING WITH INTERNAL ALUMINUM CLADDING AT FINISH LEVEL
- 5 ALUMINUM EXTERIOR SYSTEM IN THERMAL BREAK FRAME, ISOLATED GLAZING
- 6 ALUMINUM EXTERIOR SYSTEM IN THERMAL BREAK FRAME AND ISOLATED GLAZING
- 7 ALUMINUM EXTERIOR SYSTEM IN THERMAL BREAK FRAME AND ISOLATED GLAZING
- 8 OVERFLOW SCUPPER
- 9 RAIN DIVERTER SYSTEM AS SHOWN, SEE SECTION 05100 FOR DETAILS
- 10 SLOPE AWAY FROM BUILDING EXTERIOR
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FINISH LEGEND:

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GENERAL NOTES:

1. REFER TO ALL THE FRANCHISE'S MANUAL AND OTHER GUIDES FOR ADDITIONAL INFORMATION REGARDING EXTERIOR MATERIALS, COORDINATE WITH ARCHITECTURAL AND LOCAL CODES.
2. ALLOW FOR PROTECTIVE AND FINISHES TO BE APPLIED TO CONSTRUCTION. THESE FINISHES WILL VARY BASED ON THE FINISHES CONSTRUCTION. THESE FINISHES WILL VARY BASED ON THE FINISHES CONSTRUCTION. THESE FINISHES WILL VARY BASED ON THE FINISHES CONSTRUCTION.

KEY PLAN:

HILTON

NORTH AMERICAN PROTOTYPE
VERSION: 1.1

EACH OWNER IS TO VERIFY WITH THE LOCAL CODE ADOPTED AGENCY FOR ACCESSIBILITY OR HANDED-FREE REQUIREMENTS. THE OWNER OF THE PROJECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION AND IS OBLIGED TO SEEK APPROPRIATE COUNSEL TO ENSURE DESIGN COMPLIANCE.

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BUILDING STORAGE:

ALL STORAGE SHOULD BE LOCATED IN UNFINISHED AREAS. STORAGE SHOULD NOT BE LOCATED IN THE FINISHED AREAS. STORAGE SHOULD NOT BE LOCATED IN THE FINISHED AREAS. STORAGE SHOULD NOT BE LOCATED IN THE FINISHED AREAS.

FINISH LEGEND:

18K 45.61

ISSUED INFORMATION

August 2016

PROJECT INFORMATION

Prototype Package

North America

SHEET INFORMATION

Exterior Elevations

A5.01