

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 MAY 24, 2023 AT 6:00 P.M.

RESOLUTION #12-195/2023

To approve Special Use Permit No. 2023-013 for the Lehigh Mixed Use Development submitted by East River Henrietta LLC to allow the construction of for-sale townhomes.

On Motion of
Supervisor Schultz

Seconded by
Councilmember Sefranek

WHEREAS, Town Board Resolution #6-82/2021, passed on March 26, 2021, made a SEQR determination and issued a Negative Declaration for the proposal known as "Lehigh Mixed Use Development" located at the corner of East River Road and Lehigh Station Road, the applicant being Commercial Street Partners, which proposal sought approval to construct a mixed-use development comprising of apartments and industrial buildings on lands located on the northeast and southeast corners of the intersection of Lehigh Station Road and East River Road, including parcels with Tax Parcel Nos. 174.02-1-43, 174.04-1-21.1, and 174.04-1-21.2, or as more particularly described in plans on file in the Town Clerk's Office; and

WHEREAS, the Town has recently received an application from East River Henrietta LLC to amend the Mixed-Use Special Use Permit for this project with a proposal to replace a portion of the area originally proposed to be comprised of industrial buildings at the 135 Lehigh Station Road parcel, Tax Parcel #174.04-1-21.2, with for-sale townhomes (said portion comprising approximately 19.67 acres), while retaining the remainder of the proposed industrial use (approximately 34.26 acres); and

WHEREAS, consistent therewith, East River Henrietta LLC have also now applied for Special Use Permit No. 2023-013 for the construction of for-sale townhomes that are a component use as part of the proposed updated mixed-use development; and

WHEREAS, East River Henrietta LLC have submitted plans for said for-sale townhomes, as part of their updated Mixed-Use Development proposal in the Mixed-Use Employment Center Overlay District, all as set forth in their application for an amended Mixed-Use Special Use Permit per Special Use Permit No. 2023-012, all as more particularly described in plans on file in the Town Clerk's Office; and

WHEREAS, specifically, in lieu of the previously proposed industrial use comprising the subject area, the revised proposal calls for an additional +/- 224 for-sale single family attached dwellings, or townhomes, all as per the revised Mixed-Use Development Concept Plan (attached hereto and made a part hereof as Schedule "A"), to be built with a unit density at +/- 9.8-units per acre, which is above the maximum 8-units per acre allowed for in the subject Mixed-Use Employment Center Overlay District; and

WHEREAS, a Traffic Impact Study was originally submitted in 2021 and reviewed by Town and County personnel, and a Trip Generation Report was submitted in 2023 and reviewed by Town and County personnel; and

WHEREAS, the proposed development lies within the East River Road Corridor SEQR Mitigation Area and is thus subject to East River Road Corridor SEQR Mitigation Fees; and

WHEREAS, presentations and public hearings were held relating to the project, including on April 24, 2023 at the Town Board Workshop and on April 26, 2023 and May 24, 2023 at the Town Board Meetings, at which all 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, the Letters of Intent, Traffic Studies, the Monroe County Department of Transportation recommendations, other plans and reports, 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, as set forth in Town Code Section Article XII; and the Town Board finds that, given the conditions imposed herein, the criteria are satisfied as set forth in the Special Use Permit Findings of Fact (attached hereto and made a part hereof as Schedule "B"); and

WHEREAS, on May 24, 2023, in accordance with the New York State Quality Review Act ("SEQR"), the Town Board, as the Lead Agency, issued an Amended Negative Declaration for the Project (the "Negative Declaration"); and

WHEREAS, the Town of Henrietta Planning Board reviewed the proposed density and, while commenting that it would prefer the proposal be less dense, given the project's location and feasibility concerns, ultimately voted to recommend approval of the density as proposed (which is attached hereto and made a part hereof as Schedule "C"); and

WHEREAS, Special Use Permit No. 2023-012 was granted on May 24, 2023 to amend the Mixed-Use Development within which this for-sale townhome development is sought.

THEREFORE, BE IT RESOLVED, the Town Board finds that, given the conditions imposed herein, and for the reasons discussed during public meetings, elaborated upon as part of the SEQR review, and as set forth in the original Letter of Intent as well as the Letter of Intent submitted with their request to amend the approval, both submitted by Passero Associates (dated November 12, 2020 and March 20, 2023 respectively, which are attached hereto and made a part hereof as Schedule "D") and as also set forth in Special Use Permit Findings of Fact (attached hereto and made a part hereof as Schedule "B"), the Town Board finds that criteria set forth at Town Code Article XII are satisfied; and

BE IT FURTHER, RESOLVED, that the proposed unit density aligns with the Mixed-Use regulations, including that the proposal continues to satisfy the component percentages, otherwise aligns with the underlying assessment of the Special Use Permit factors, and will be sufficiently supported by underlying public infrastructure and services; and

BE IT FURTHER RESOLVED, that Special Use Permit Application No. 2023-013 for the component use comprising for-sale townhomes as described herein be and is hereby approved, including with a unit density at +/- 9.8-units per acre all as per the Concept Plan, subject to the following conditions:

1. All applicable conditions for the Special Use Permit Application No. 2023-012 must be met prior to the issuance of building permits for the for-sale townhomes; and
2. No earthwork, grading, or clearing shall be conducted unless such work is in accordance with a current progressing phase.

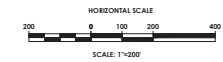
3. The Developer shall pay the East River Road Corridor SEQR Mitigation Fees for all Phases of the project. Per the Town Board Resolution #6-83/2021, the fee for Phase 1 apartments is \$124,800. Per the original Traffic Study and the updated Trip Generation Reports (at Schedule "E" attached hereto), the fee for Phase 2 townhomes is \$84,000.00. This fee must be paid prior to any building permits being issued for the project.
4. The Developer will leave all current trees and screening vegetation around the properties at 32 and 33 Lehigh Station Road. Additional measures, such as berms and additional foliage, will further screen the residential properties from the new development, all as to be further detailed during site plan review.
5. The Developer will observe all set-backs with regards to the existing properties, including the Transitional Buffers detailed in Town Code §295-60(E).
6. Development of the proposal shall require Site Plan review by the Planning Board, including review pursuant to the mixed-use design guidelines at Section §295-34.5 of the Code.
7. The developer shall provide any easements required by the Planning Board, as identified during Site Plan review, including potential cross-access easements between parts of the Property.
8. The developer shall provide security, as per Section §295-34[N] of the Code.

The reduced parking proposed by the developer as part of the Concept Plan shall be subject to review and approval by the Planning Board, all in accordance with the Code at Section §295-34.5.

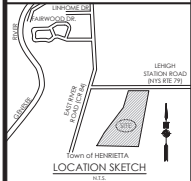
Duly put to a vote:
 Councilmember Sefranek Aye
 Councilmember Bolzner Aye
 Councilmember Page Aye
 Councilmember Bellanca Aye
 Supervisor Schultz Aye

RESOLUTION ADOPTED

Schedule "A"



MIXED USE EMPLOYMENT OVERLAY DISTRICT LAND USE REQUIREMENTS				
	REQUIRED (%)	REQUIRED ACREAGE (BASED ON 137 AC. - UNUSABLE AREA AC.)	PROVIDED (%)	PROVIDED ACREAGE (BASED ON 137 AC. - UNUSABLE AREA AC.)
INDUSTRIAL	30% MIN	30.08 ACRES	34.16%	34.24 ACRES
	70% MAX	70.20 ACRES		
COMMERCIAL	0% MIN	0 ACRES	N/A	N/A
	20% MAX	20.04 ACRES		
RESIDENTIAL	20% MIN	20.04 ACRES	49.64%	49.79 ACRES
	50% MAX	50.14 ACRES		
CIVIC SPACE	10% MIN	10.03 ACRES	16.18%	16.23 ACRES
	30% MAX	30.08 ACRES		
UNUSABLE	N/A	N/A	N/A	36.72 ACRES



Client:
COMMERCIAL STREET PARTNERS
 COMMERCIAL STREET SUITE 401
 ROCHESTER, NY, 14614

PASSERO ASSOCIATES
 245 West Main Street Suite 100
 Rochester, New York 14614
 (585) 252-1000
 Fax: (585) 252-1491
 Principal-in-Charge: **Jess D. Suski, PE**
 Project Manager: **Andrew Burns, EIT**
 Designed by: **Briana Mitchell**



Revisions		
No.	Date	Description

OVERALL SITE PLAN

LEHIGH STATION & EAST RIVER INDUSTRIAL
 BEING PART OF TOWNS LOTS 1 & 2, SECTION 13,
 TOWNSHIP 14 RANGE 4, PRESENT & CONFORM PURCHASE
 Town/City: HENRIETTA
 County: MONROE State: NEW YORK

Project No.: **20192793.0007**

Drawing No. C 101	Sheet No. 1
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Scale: **1" = 200'**

Date: **SEPTEMBER 2022**

SITE DATA

- TAX ACCOUNT NUMBER: 174.04-1-21.1, 174.04-1-21.2
- PARCEL ADDRESS: 85, 135 LEHIGH STATION RD, 80.77 ACRES
- TOTAL PARCEL AREA: 80.77 ACRES
- AREA OF DISTURBANCE: TBD
- EXISTING ZONING: INDUSTRIAL, MURACD (MIXED USE REDEVELOPMENT AREA OVERLAY DISTRICT)
- EXISTING USE: UNDEVELOPED, UTILITIES
- PROPOSED USE: MIXED - TOWNHOUSES, INDUSTRIAL, CIVIC
- AREA REQUIREMENTS:




ZONING DISTRICT: MURACD

	REQUIRED	PROPOSED
LOT AREA	1 ACRE	
SETBACK		
FRONT	80'	
SIDE	5'	
REAR	60'	
BUILDING		
HEIGHT	50'	
BUILDING AREA	40%	
UNIT QTY	TBD	
UNIT DENSITY	18 DU/ACRE MAX	
MIXED USE		
USE CATEGORIES	3	
INDUSTRIAL	0% MIN - 35% MAX	
COMMERCIAL	30% MIN - 65% MAX	
RESIDENTIAL	30% MIN - 65% MAX	
CIVIC SPACE	5% MIN - 20% MAX	
PARKING		
STALLS QTY.	TBD	
STALL SIZE - PERPENDICULAR	9' X 18'	
STALL SIZE - PARALLEL	10' X 20'	
DRIVE AISLE WIDTH	24'	
NOTES:	RESIDENTIAL: 2.5 PER DWELLING UNIT OFFICE: 1/200 SF INDUSTRIAL: 1/400 SF	

- | | NO | YES |
|--|-----|-----|
| 8. STATE REGULATED WETLANDS (NYSDEC WETLAND INVENTORY): | X | |
| 9. FEDERALLY REGULATED WETLANDS (USFWS NWI): | | X |
| 10. FLOOD PLAIN (FEMA NFRL): FIRM PANEL: MASS03DATG DATED: 08/27/08 | X | |
| 11. PUBLIC WATER PROVIDED BY: | TBD | |
| 12. ELECTRIC SERVICE PROVIDED BY: | TBD | |
| 13. GAS SERVICE PROVIDED BY: | TBD | |
| 14. SANITARY SEWER PROVIDED BY: | TBD | |
| 15. STORM SEWER & DRAINAGE FACILITIES WILL BE (PUBLIC/PRIVATE) AND MAINTAINED BY THE OWNER | | |
| 16. ALL IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE CURRENT DEVELOPMENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY | | |

SITE DATA SUMMARY

(236) UNITS TOTAL
(62) TOWNHOUSES TOTAL

-  (52) - 4-UNIT
-  (8) - 3-UNIT
-  (2) - 2-UNIT



Schedule "B"

Special Use Permit Assessments by the Henrietta Town Board for (1) Lehigh Mixed Use Plan and (2) Townhomes on Lehigh Station Road

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

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

- A. Whether the proposed use is substantially consistent in its scale and character with those uses permitted and the existing built permitted uses in the subject zoning district and neighborhood or will otherwise impair such uses due to inconsistency.

The Town Board had previously granted a Special Use Permit for the Mixed-Use Development in the Mixed-Use Employment Area overlay district for the Lehigh Mixed-Use Development including market rate apartments and industrial buildings. The proposed updates to those plans would take a portion of the land originally designated for industrial use and convert it to use as individually owned townhomes.

In reviewing the application, the overall scope of the Lehigh Mixed-Use Development remains consistent with the overlay district and the proposed uses are all within the approved ranges for those corresponding uses within the overlay district. The proposed changes for the parcel that will contain the townhomes results in less impact than the previously approved industrial uses in that area.

The townhomes are an allowed use within the overlay district and with the adjusted site plan to reduce the unit count and increase the spacing between buildings, the proposed use is consistent in scale and scope for this area. Furthermore, while the total unit density for the entire project is slightly higher than the prescribed density, the impact of such density is minimal particularly given that the proposed denser residential development does not conflict with any less dense adjacent residential development. The denser residential development here borders lands which generally comprise roadways, undeveloped industrial land, and undeveloped residential lands (which appear to be anticipated for dense residential development). As such, there are no existing adjacent residential areas (such as single family subdivisions) which are inconsistent with the proposal and which might otherwise be directly impacted by the increase in density.

Moreover, the proposal benefits the character of the area given the proposal by the developer to include several significant community benefits, including: (a) the extension of the East River

Road Multi-Model Path from the northern edge of their property south to the intersection of Lehigh Station Road and East River Road with the ability to carry it further in a future phase when developing the industrial portion, (b) constructing a cross-connection road from East River Road across from the southern Riverwood entrance and continuing in a generally northeastern direction to meet with East River Road, which could help alleviate some of the traffic burden on the East River Road/Lehigh Station Road intersection, (c) working with the Monroe County Department of Transportation to increase the right of way to help with the reconstruction of the East River Road corridor, and (d) the preservation of a potential archeological site.

Given the above, the Town Board and the Planning Board, after review of the updated plans which decreased the density to be under 10-units per acre (as opposed to original plans which were greater than 10 units per acre), find that the additional density is warranted and not inconsistent with the character of the 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 Town's 2019 Update to the Comprehensive Plan included the creation of a Mixed-Use Employment Area overlay district that included the parcels contained in the proposed plans. The proposed update to the mixed-use site plan and the addition of single-family for-sale townhomes are consistent with that update. In addition, the Town Board has identified the need for additional smaller, more affordable homes either as starter homes or as retirement homes as a major need in Town. The applicant's willingness to include more townhome units that are a bit smaller and include first floor bedrooms helps address the need for seniors looking to downsize, thus opening up their older homes for growing families, which is another major need identified for the Town. This willingness to address two critical housing needs in the Town also weighed into the decision to approve the higher than normal densities for this area.

- 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 update to the mixed-use site plan and the single-family for-sale townhomes align with the purpose, intent, and applicable design and development standards of the Mixed-Use Employment Area overlay district. While stand-alone single-family homes are not permitted within the MUEA overlay district, connected townhomes are permitted through the Special Use Permitting process. The revised plans with the reduced density and greater spacing

between the townhome buildings present a neighborhood that is consistent with the MUEA overlay 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 use presents no nuisance in law or in fact with regards to any of the conditions listed.

- 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. There are traffic congestion issues in the East River Road Corridor, but the Monroe County Department of Transportation has created a plan to redesign the road to alleviate traffic congestion issues and has been working with the Town of Henrietta to implement those changes. The proposed project will be contributing SEQR Mitigation Fees towards the East River Road Corridor SEQR Mitigation Fund to implement those changes, with said fees calculated based on the number of additional vehicular traffic added to East River Road in both the AM and PM peak travel times. Based on the proposed use and the corresponding trip generation analysis performed as well as the observed traffic patterns leaving sites in this area, the project will place an additional 105 vehicles into the corridor, thus resulting in an East River Road Corridor SEQR Mitigation Fee of \$84,000 for the project, with those funds going towards the County's proposed improvement for the corridor.

- 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 does not present any materially adverse impacts under SEQR that cannot be adequately mitigated. See (E) above with regards to traffic mitigation.

- 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 reduced unit count for the proposed townhomes, is suitable for the proposed site. The proposed screening and buffering is adequate for both neighboring properties and public roads. In addition, the proposed East River-Lehigh Station cross-connect road tie-in to the adjacent property to the east will help alleviate potential traffic issues with future development in this area.

- 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.

- 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 updated mixed-use site plan and proposed use addresses all of the above considerations in the design. The proposed East River-Lehigh Station cross connect road provides a means to help alleviate some of the traffic that otherwise would go through the East River-Lehigh Station intersection. The extension of the East River Road Multi-Modal path from the northern boundary of the northern parcel of the mixed-use plan greatly enhances the nonmotorized travel and pedestrian circulation, as do the numerous internal trails and sidewalks detailed on the mixed-use site plan. The mixed-use site plan also includes numerous open spaces and civic areas, far more than the minimum required by the Mixed-Use Employment Area overlay district standards, including the preservation of a potential archeological site.



TOWN OF HENRIETTA

County of Monroe • State of New York
475 Calkins Road, Henrietta, New York 14467
(585) 359-7035 • www.henrietta.org

Schedule "C"

REBECCA WIESNER
Town Clerk and Receiver of Taxes

JENNIFER MIRANDA
Deputy Town Clerk and Receiver of Taxes

HEATHER VOSS
Deputy Town Clerk and Records Access Officer

SARAH KROLAK
Deputy Town Clerk

Memo

To: Town Board

From: Heather Voss

Date: May 18, 2023

Re: East River Henrietta, LLC – Townhouses

Discussion Item: **East River Henrietta, LLC** – Planning Board to discuss density requirements for a proposed 224-unit single-family attached dwelling project with a density of 9.8 dwelling units/acre, whereas 8 dwelling units/acre is required per Town Code §295-34.4(D)(1) in order to provide the Town Board with an advisory opinion. Located at 84, 85, and 135 Lehigh Station Road in an Industrial Zoned District with a Mixed-Use Employment Center Overlay District (MUEC). Tax Account Nos. 174.02-1-43, 174.04-1-21.1, 174.04-1-21.2.

For the above referenced discussion item, the applicant is requesting a larger density of dwelling units/acre than what is allowed by Code in a MUEC district. As such, the Planning Board was tasked with reviewing the density percentages and providing feedback and a recommendation (to approve or deny) to the Town Board.

The applicant presented to the board the proposed plans for single-family townhomes and explained that the density is due to a large power easement to the south of the parcel in addition to a number of wetlands located throughout. The proposal calls for 4-unit townhomes, each with 3 bedrooms, that will be approximately 1,400 S.F in size. The applicant alluded to the fact that these high-density residential projects are in high demand by homebuyers in our area.

The Planning Board noted that they agreed the project was a bit high in density, but points were made noting that of all areas of town in which a project such as this could be built, this is a good area to do so as it's not surrounded by a lot of development already that would be negatively impacted. When asked if the project would work by adhering to the 8 dwelling units per acre requirement, the applicant noted that it would not; the proposed number of 9.8 dwelling units per acre has already been reduced due to comments from the Town Board and currently was at the least amount of lots it could be while still being economically feasible.

Overall, the Planning Board voted 4-2 to approve the proposed density, but noted they'd prefer to see the project be less dense.

Duly put to a vote:

Marcy Reynolds	voting	Aye
Robert Barley, Jr.	voting	Nay
Walter Liss	voting	Aye
Craig Eckert	voting	Aye
Matthew Borkowski	voting	Nay
Patricia Brill	voting	Absent
James Grunert, Chair	voting	Aye

Motion Carried



November 12, 2020

Town of Henrietta
Attn: Supervisor Schultz/Town Board
475 Calkins Road
Henrietta, NY 14467

**RE: Lehigh Mixed Use Development
Letter of Intent – Request for Special Use Permit**

Dear Supervisor Schultz/Town Board:

On behalf of our client, Commercial Street Partners, LLC, we respectfully submit the attached materials for consideration of a Special Use Permit. We request the Town declare their intent to be lead agent at its November 18 Board meeting, with the public hearing being held at the January Town Board meeting.

The propose project consists of ± 350 residential units to be located at the northeast corner of Lehigh Station Road and East River Road. This site was originally contemplated and approved in 2017 with a Special Use Permit, to allow ± 200 residential units in this same location (and ± 486 total units on the north and south side of Lehigh Station Road). Since then the project has been reconfigured as ± 350 units on the north east corner of Lehigh Station Road and East River Road, with $\pm 500,000$ SF of commercial/industrial space on the south east corner. The project was modified to comply with the spirit of the new mixed-use district. The proposed project will include all necessary parking, infrastructure, stormwater management and traffic mitigation measures that were originally contemplated in 2017. Since that original project was approved, the Town has implemented additional zoning regulations that include mixed use overlays. This project meets all the mixed use overlay requirements, buffer requirements and provides the necessary civic spaces (trails, passive recreation areas, etc.) throughout the development.

We are requesting a special use permit for the multifamily development in the industrial zoned district as well as a SEQRA determination for the overall development (both the multifamily on the north and commercial/industrial on the south).

In consideration of the Special Use Permit required for the multifamily component of the project, the following were evaluated:

- 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 development will provide a transition from the existing multifamily properties to the north and west of the subject site, to the proposed industrial use to the south. This site was originally contemplated and received Special Use Permit for a development that included three large multifamily buildings surrounded by several townhome style units that utilized all of the developable land on the parcel.

The current proposal, while having more units overall on the north side of Lehigh Station Road, will disturb less land for proposed buildings, parking and infrastructure and provide more greenspace, including over 8 acres of public open space and trails that will help connect existing pedestrian trails to trail systems to the south and west. The green and open space will also provide buffer from the residential components of this site to the existing industrial development to the southwest and the new industrial use on the south side of Lehigh Station Road.

- 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 plan for multifamily housing on the northeast corner of Lehigh Station Road and East River Road is consistent with the previously approved Special Use Permit for multifamily housing that was approved in 2017. The current plan, like the previous project, has been combined with the lands on the southeast corner of Lehigh and East River. However, with this proposal, the southerly portion of the development will include an industrial use while incorporating open space and a public trail system that conforms with the spirit of the mixed use overlay district. Overall, the current design will provide more greenspace for residents and the public alike, while disturbing less land to develop the property. The aforementioned trail system will be for use by the public and will promote and implement the Town's vision for a trail connecting Rush and areas south, to Henrietta. It is important to note, that the use of the property at the south east corner of Lehigh Station Road and East River Road is being proposed as industrial warehouse and commercial space. This meets the current code for the industrial zoned district. This differs from the previously approved plans and Special Use Permit from 2017, for which this parcel was approved as multifamily townhomes. This proposed use is more appropriate and consistent with the zoning code.

- 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 multifamily use on the northeast corner of Lehigh Station Road and East River Road does meet all zoning and buffer regulations as it pertains to setbacks, building materials, and design regulations including providing the necessary and required civic space requirement as part of the mixed use overlay district. This current design reflects the added mixed use overlay district, which requires specific percentages of commercial, industrial, residential and public (civic) spaces as part of the overall development. This project achieves all requirements, meeting that section and intent of the Town code.

- 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 portion of the project requiring a special use permit (the multifamily residences on the north east corner of Lehigh Station Road and East River Road) will not generate or emit dust, smoke, odors, fumes or create other detrimental conditions to the environment, as the proposed use is multifamily residences that will be designed to current building code and energy requirements.

- 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 project will not propose any hazards or dangers to the public. The project serves to provide the public a benefit, by meeting the requirements of the mixed use overlay district and its required civic space, by providing passive recreation areas and a system of trails throughout the property. The project will also assist in traffic and roadway network concerns by providing the previously requested, and approved, westbound right turn lane on Lehigh Station Road to East River Road. The development will meet the necessary requirements set forth in the East River Road Transportation District (SEQRA mitigation fees).

- 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 project will not have an adverse impact to the surrounding community or environment. It is smaller than the previously contemplated development, in terms of land disturbance and does not disturb all-natural resources, including on-site wetlands. Farmland, work on steep slopes, or existing waterways on site will not be disturbed because of the development. The proposed uses will generate traffic; however, the previously completed and approved traffic study from 2017 is being updated for the new uses and number of units.

- 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 sites physical conditions are conducive to the proposal, which provides access off of Lehigh Station Road and utilizes the topography to its advantage to provide adequate stormwater management and mitigation measures. The site is also denser than what was originally contemplated in 2017, requiring less disturbance to develop. The geotechnical investigations demonstrate there are no issues with rock or high-water tables. A traffic study was completed to determine the effects on the adjacent street network and determined the best access for the site. Drainage calculations were completed to determine the size and adequacy of stormwater management areas. The project has also been configured to provide the required buffer areas as part of the Town Code and will supplement these buffers where necessary to provide screening from the two single family homes on Lehigh Station Road, in the immediate vicinity of the project.*
- 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.
- This site was previously developed and approved with Special Use Permit and Site Plan Approvals in 2017-2018 for use as a multifamily development. At that time, designs for a new Town dedicated pump station were completed, and coordination with RG&E for gas and electric services were designed by the utility company. Water services for the site, including backflow protection, was designed and approved by the Water Authority. Utility capacity is not a concern or issue with this proposed project, as it contemplates the less residential of units as previously approved (± 486 originally approved, ± 350 currently proposed).*
- 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 project will provide a trail system throughout the site as well as open land and passive recreation spaces. This will provide not only residents, but the public the ability to walk through the ± 57 acre parcel where the multifamily project will be situated. A westbound right turn lane at the intersection of Lehigh Station Road and East River Road, that was originally approved as part of the 2017 project and its associate permits will be installed as part of the work, thereby enhancing the existing traffic flow and infrastructure in the projects immediate area.*

Additionally, this development will construct trails throughout the site that will connect to existing Town trails to the north and west, meeting the requirements set forth in the mixed use overlay district.

In support of our request, attached please find:

- (1) Check for \$150.00
- (1) Application/ Statement of Applicant & Owner w/Respect of Professional & Consulting Fees
- (16) Letter of Intent
- (16) Site Plans
- (1) Letter of Authorization
- (16) Full Environmental Assessment Form (FEAF)
- (1) Electronic Copy of Application
- (2) Traffic Impact Study (under separate cover)
- (3) SEQR Report

If you have any questions or require additional information regarding this matter, please do not hesitate to contact me at any time at (585) 325-1000. Thank you for your consideration.

Sincerely,



Tim Harris, PE
Project Manager

TH:paf
Encs:

CC: Tom George



March 20, 2023

Town of Henrietta
Attn: Supervisor Schultz/Town Board
475 Calkins Road
Henrietta, NY 14467

**Re: Lehigh Station South
84, 85 and 135 Lehigh Station Road (174.020-1-43; 174.04-1-21.1; 174.04-1-21.2)
Letter of Intent – Request for Special Use Permits
Zoning: Industrial/Mixed-Use Employment Center Overlay District (MUEC)**

Dear Supervisor Schultz and Members of the Board:

On behalf of our client, East River Henrietta LLC, we respectfully submit the attached materials for consideration of a two (2) Special Use Permits, as listed below:

1. The alteration of a previously approved mixed use development concept plan, in accordance with §295-34.2C, and;
2. The proposal of attached single-family dwellings, a specially permitted use in the MUEC Zoning District in accordance with tables in Appendix A, 295 Attachment 1, §295-34.3C.

We request the Town Board declare their intent to serve as lead agency at its March 22nd Board meeting, with the public hearing being held at the April 26, 2023, Board meeting.

Proposal

The proposed project includes 58.48 acres on the northwest side of Lehigh Station and East River Road, and 78.52 acres on the southwest side for a total of 137 acres. A Special Use Permit was previously approved for residential development on the north side and \pm 500,000 SF of Industrial development on the south side of Lehigh Station Road. We are requesting a new Special Use permit to modify the approval by replacing a portion of the Industrial use area on the south side with residential space consisting of \pm 236 single family attached dwellings. The northern portion of the site has been developed in accordance with previous approvals. This project meets all the mixed-use overlay requirements, including but not limited to buffer, greenspace, and parking regulations, throughout the development.

Comprehensive Plan

The proposal to add additional single family attached dwellings on the south side of Lehigh Station Road is consistent with the 2003 Town of Henrietta Comprehensive Plan (“Plan”), and all subsequent updates to the plan. The additional residential development on the south side complements the existing residential development on the north side of Lehigh Station, which is consistent with the character of the surrounding neighborhood centered on East River Road. The creation of the mixed-use overlay district follows the first smart growth principle outlined in the Plan which states to mix land uses. The proposed change to this

project better aligns with the character of the mixed-use overlay district which requires specific percentages of industrial, commercial, residential, and civic spaces for new developments. The proposed development plan with inclusion of residential units on the south side, therefore, is more consistent with the Comprehensive Plan.

Code Compliance

The replacement of a portion of the industrial land use area for residential development on the south side of Lehigh Station Road still complies with the factors used in evaluating the previously approved Special Use Permit. Letters A-I in §295-54 of the Town of Henrietta Zoning Code were addressed in that approval and do not change significantly in this proposal. Since the previous Special Use Permit was issued, the town has made changes to §295-34.4 of the Zoning Code, April 2022, which specifies mixed-use overlay district density shall be calculated based on the number of dwelling units per usable acreage that is not constrained from development by cultural or natural features such as wetlands, steep slopes greater than 15%, and floodplains. To meet this new section of the code, the recalculated density on the north side of Lehigh Station Road is 8.7 units/acre and the proposed density on the south side is 9.6 units/acre; where 8 units/acre are permitted in the MUEC. This update is also reflected in the updated site plan.

Conclusion

We are requesting a special use permit for the single family attached residential development in the industrial/MUEC district. A new full environmental assessment form is being provided with updated trip generation information, as well as water and sewer demand calculations. These calculations reveal that the project changes do not exceed the existing capacities of the street network, water system or sewer system, respectively, nor does it create any significant environmental impacts.

In support of our request, attached please find:

- (14) Letter of Intent
- (14) Special Use Permit Application
- (14) Owner Authorization Letter
- (14) Trip Generation Letter
- (14) Site Plans
- (14) Full Environmental Assessment Form (FEAF)
- (1) Check for \$150.00 Fee
- (1) Check for \$75.00 Fee
- (1) Electronic Copy of Application

If you have any questions or require additional information regarding this matter, please do not hesitate to contact me at any time at (585) 325-1000. Thank you for your consideration.

Sincerely,



Jess Sudol, PE
President, Passero Associates



Traffic Analysis

Revised May 22, 2023

The purpose of this letter is to provide a trip generation assessment related to the proposed project consisting of ±352 apartment units, 224 single family lots and ±300,000 SF of Industrial buildings to be located at the 84, 85, and 135 Lehigh Station Road.

A Traffic Impact Study was performed by McFarland Johnson dated November 10, 2020 analyzing the same project area. At that time, the project scope consisted of 325 residential units and 500,000 SF of Industrial buildings.

Proposed Development

Data contained in Trip Generation, 11th Edition, published by the Institute of Transportation Engineers (ITE) was used to project the volume of traffic generated by the proposed development. Data published by the ITE is the nationally accepted standard for generating trips for new uses. Table I summarizes the volume of projected site trips during the weekday AM and PM peak hours.

PROPOSED TRIP GENERATION

LEHIGH NORTH RESIDENTIAL						
Dependent Factor (X):	Independent Factor (X=Dwelling Units) (X=352)					
	Rate/Formula	Total	Enter		Exit	
AM Peak Hour:	$T = 0.44(X) - 11.61$	130	30	23%	100	77%
PM Peak Hour:	$T = 0.39(X) + 0.34$	138	84	61%	54	39%

LEHIGH SOUTH RESIDENTIAL						
Dependent Factor (X):	Independent Factor (X=Dwelling Units) (X=224)					
	Rate/Formula	Total	Enter		Exit	
AM Peak Hour:	$T = 0.44(X) - 11.61$	87	20	23%	67	77%
PM Peak Hour:	$T = 0.39(X) + 0.34$	88	54	61%	34	39%

LEHIGH SOUTH INDUSTRIAL						
ITE Use:	ITE CODE 130 - General Light Industrial					
Dependent Factor (X):	Independent Factor (X=1000 Sq. Ft. GFA) (X=300)					
	Rate/Formula	Total	Enter		Exit	
AM Peak Hour:	$T = 0.68(X) + 3.81$	102	83	81%	19	19%
PM Peak Hour:	$\ln(T) = 0.72 \ln(X) + 0.38$	102	22	22%	80	78%

The table below compares the proposed 2023 Trip Generations to those developed in the McFarland Johnson Traffic Impact Study, dated November 10, 2020.

PROPOSED TRIP GENERATION COMPARISON

	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
2023 Proposed	133	186	319	160	168	328
November 10, 2020 TIS	192	125	317	129	214	343
Trip Gen Difference	-59	61	2	31	-46	-15

Using the AM and PM trip generations from the tables above, a summary of estimated trip distributions to East River Road can be found in the table below. Trip distribution percentages were used from the McFarland Johnson TIS.

PROPOSED TRIP DISTRIBUTION

LEHIGH SOUTH RESIDENTIAL TRIP DISTRIBUTION TO EAST RIVER ROAD						
	AM			PM		
	DIST.	Total	% Total	DIST.	Total	% Total
Entering	60%	20	12	60%	54	32
Exiting	60%	67	40	60%	34	21
Total		87	52		88	53

Conclusions

While there is minor variation in the projected AM and PM Peak Hour site generated traffic based on the proposed land use modifications, the total trips generated remains similar to those proposed by the previously submitted November 2020 TIS. Given these considerations, no further study is warranted or recommended.

If you have any questions or are in need of additional information, please do not hesitate to contact our office.

Sincerely,



Andrew Burns
Senior Project Engineer

