

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 8, 2024 AT 6:00 P.M.

RESOLUTION #10-157/2024

To approve Special Use Permit No. 2024-015 for a private school to be located in an Industrial Zoned District at 250 Thruway Park.

On Motion of
Councilmember Stafford

Seconded by
Councilmember Barley

WHEREAS, Konar Properties and Erie Station 250 LLC (the "Applicant") have applied for a Special Use Permit (Application No. SP2024-015) under Henrietta Town Code §295-25[A](16) for a private school to be operated by the Al Wadood Academy Corporation (the "Application") to be located in an Industrial Zoned District at 250 Thruway Park Drive, West Henrietta, New York 14586 (the "Property"), or as more particularly described in plans on file in the Town Clerk's Office; and

WHEREAS, a public hearing was duly advertised for and held relative to the same on May 8, 2024 at 6:00 p.m.; and

WHEREAS, the Town Board has carefully considered all information relevant to the Application, including but not limited to the Application, correspondence and oral testimony from the public, and correspondence and oral testimony from the Applicant; and

WHEREAS, the Town has referred the application to the Monroe County Planning Board pursuant to NY General Municipal Law Section 239 and the Town has incorporated any comments and feedback from the Monroe County Planning Board; and

WHEREAS, the Town Board has considered each of the factors for assessing the requested Special Use Permit approval, all as set forth in Town Code Section 295-54; and

WHEREAS, the Property is substantially consistent in scale and character with other permitted uses, is aligned with the office park and nearby residential use, is not adjacent to heavy industry which could present hazards to students, will create less potential impact than heavier industrial uses, is located on a major through road that is suited for school bus and parental traffic, has adequate utilities for use as a school, and is otherwise well suited for this use with no materially adverse impacts that cannot be adequately mitigated under the State Environmental Quality Review Act.

THEREFORE, BE IT RESOLVED, that, in considering the Special Use Permit factors, including in considering all information based on the record, including feedback from the Monroe County Planning Board and other interested or involved County or State agencies, public comments, those reasons discussed at the public meeting related to the same, and all materials submitted related to such Application, and based upon applicable law, and in consideration of any conditions set forth herein, the Henrietta Town Board finds that the Special Use Permit factors support approval of the Application.

BE IT FURTHER RESOLVED, that based upon the aforementioned, the Town Board hereby grants approval for the Application to operate a private school on the Property, subject to the following condition(s):

1. Prior to operating the school, the Applicant must obtain all necessary government approvals to operate said school, including, but not limited to, certification from the New York State Department of Education.
2. That a bus loop and parental drop-off/pick-up loop designed to minimize congestion and with sufficient queuing capacity to not spill out onto Thruway Park Drive be included in the site plan subject to approval by the Director of Engineering and Planning.
3. That a sidewalk be added along Thruway Park Drive at the front of the Property so as to facilitate a future connection to the sidewalks and trails from the nearby residential areas of Erie Station Village, subject to approval by the Director of Engineering and Planning.

Duly put to a vote:

Councilmember Page	Aye
Councilmember Bellanca	Aye
Councilmember Barley	Aye
Councilmember Stafford	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED



March 27, 2024

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

Dear Town Board Members:

Konar Properties and 250 Erie Station, LLC are working with the Al Wadood Academy to locate a private school at 250 Thruway Park Drive, West Henrietta NY in the Erie Station Business Park.

The proposed property is in an Industrial Zone. Schools are not a permitted use in the zone nor are they a prohibited use. The Town's Industrial Zoning allows **"Any uses permitted in a commercial district and not prohibited by § 295-26, ...are allowed subject to the granting of a special use permit by as provided in Article XII."**

The Town's Commercial District Permitted Use (Section 295-14 (12)), Churches, **schools** and institutions of higher education, public hospitals, public libraries and municipal and special district buildings, provided that no such building shall be located within 50 feet of any adjoining lot line, and off-street parking shall be provided as set forth in § 295-44.

250 Thruway Park Drive is a former 47,714 SF call center that will become vacant at the end of May 2024. The current open floor plan of the call center makes it an ideal candidate for reuse as a school. It is our intention to start the renovation in June 2024 and complete the majority of the renovations in time for September 2024 school opening.

The academy will have classes from Pre-kindergarten through Grade 12. Please see the attached description that outlines the mission of the school. The current plan envisions 120 students and 24 staff. The students will arrive at the school via the Academy's privately owned school buses or by parent drop off.

SPECIAL PERMIT LAW

As you know, a special use permit is a use which carries the presumption of being permitted, such that the Courts have held that the "...inclusion of the permitted use in the ordinance is tantamount to a legislative finding that the permitted use is in harmony with



the general zoning plan and will not adversely affect the neighborhood" *Retail Property Trust v. Board of Zoning Appeals of Town of Hempstead*, 98 N.Y.2d 190, 746 N.Y.S.2d 662 (2002). *Matter of North Shore Steak House v Board of Appeals of the Inc. Vil. of Thomaston*, 30 NY2d 238 [1972]; *Gordon & Jack v. Peterson* 230 A.D. 2d 856 (2d Dept. 1996). "[O]nce it is shown that the contemplated use is in conformance with the conditions imposed, the special use permit must be granted unless there are reasonable grounds for it's denial, supported by substantial evidence." *Matter of George Eastman House Inc. v Morgan Mgt. LLC*, 130 A.D.3d 1552 (4th Dept., 2015).

SPECIAL USE PERMIT STANDARDS

The proposed Al Wadood Academy satisfies the standards set forth in Town Code Section 295-54, for the granting of the required special use permit to allow a private school to operate in an Industrial Zone, as more specially described below.

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 Academy operation is consistent in scale with the neighboring uses in the Erie Station Business Park and will not adversely impact any permitted uses in the neighborhood or district. The existing building's exterior will remain the same as the existing and therefore will not affect the architectural character of the business park.

As stated above, there will be approximately 120-130 students and 10-20 employees affiliated with the location. The students will arrive at the location via the Academy's privately owned buses or by parent drop off.

The building and parking are oriented and located in a manner that contains and screens the site and its parking lot.

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 special permit use is consistent with the Town's Comprehensive Plan and the purpose of the zoning district. The proposal is consistent with the Town's effort to "Preserve and Strengthen a Diversified Economy for the Town of Henrietta."



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.

Since the Academy will occupy an existing building, the proposed use is consistent with the design and development standards in the code applicable to the location and zoning. In addition, the proposed use has been approved by the Erie Station Business Park Design Review Committee.

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 Academy will not be a nuisance in any way. The structure of their start and dismissal times will have minimum impact on the surrounding business. Their daily operations will not have any negative environmental side effects.

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 proposal will not create any such hazards or danger. Adequate parking is provided on site for low intensity use.

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 use will not generate any adverse impact and no mitigation is required. The action is a Type 2 action pursuant to SEQRA such that no further SEQRA review is required.



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 existing building and site are suitable for the proposed modifications to the use and operation. The academy will occupy an existing building and site with no significant exterior changes required. The proposed activity will be largely contained within the building, with adequate building and site access, and sufficient parking on site. The general appearance is consistent with other uses in the business park.

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 site was developed pursuant to an approved site plan and is in the Erie Station Business Park. It is served by adequate services and utilities. The proposed use will not adversely impact the adequacy of any such service.

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 site was developed pursuant to an approved site plan and is located in the larger developed Erie Station Business Park. The proposed use will maintain safe conditions and comply with the existing site plan. No site plan changes are required for the proposed Academy's operation. The site has appropriate internal traffic circulation and access, as well as sufficient parking for the Academy's operation.

CONCLUSION

Based on satisfaction of the applicable criteria for approval, as described above, we respectfully request that the Town Board grant special use permit approval to allow Al Wadood Academy to operate at 250 Thruway Park Drive. We are confident that the Academy will be an appropriate and positive addition to the Erie Station Business Park.



Erie Station Business Park
INDUSTRIAL COMMERCIAL
PROUDLY OFFERED BY KONAR PROPERTIES

We look forward to presenting this special use permit application to you at a public hearing on May 8, 2024. In the interim, should you or any board member have any questions or require additional information about this matter, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,

250 Erie Station, LLC / Konar Properties

Michael A Trojian
Director of Commercial Properties



1601 Penfield Rd, Ste 575
Rochester, NY 14625

Dear Mr. Craig Eckert,

Welcome to Al Wadood Academy, Henrietta's premier Islamic private school dedicated to fostering academic excellence, spiritual growth, and community engagement.

Our school offers a comprehensive curriculum that integrates Islamic teachings with a rigorous academic program, ensuring that students receive a well-rounded education that prepares them for success in this world and the Hereafter. From preschool through high school, our experienced educators provide personalized attention to nurture each student's unique talents and abilities.

At Al Wadood Academy, we strive to create a supportive and inclusive environment where students from diverse backgrounds come together to learn, grow, and thrive. Our Islamic values of compassion, integrity, and service guide everything we do, instilling in our students a sense of responsibility to make positive contributions to society.

By offering an Islamic education in Henrietta, our school enriches the community in numerous ways:

1. **Cultural Diversity:** Al Wadood Academy celebrates the rich diversity of Henrietta by providing a space for Muslim families to preserve and share their cultural heritage with the broader community.
2. **Educational Excellence:** Our school raises the educational standards in Henrietta by offering a high-quality academic program that emphasizes critical thinking, creativity, and lifelong learning.
3. **Community Engagement:** Through various outreach initiatives, partnerships, and events, Al Wadood Academy fosters strong ties with local organizations and businesses, promoting collaboration and unity within the town.
4. **Global Citizenship:** By promoting Islamic values such as tolerance, empathy, and social justice, our school helps cultivate responsible global citizens who are committed to making a positive impact on the world around them.
5. **Economic Growth:** The presence of Al Wadood Academy contributes to the local economy by creating employment opportunities, attracting families to the area, and stimulating business activity.

Overall, Al Wadood Academy plays a vital role in Henrietta, not only as an educational institution but also as a beacon of hope, unity, and progress for the entire community.

Warm regards,

Sr. Mimi Enadeghe, Founder, President/CEO

AL WADOOD ACADEMY

Assalamualaikum Wa Rahmatullahi Wa Barakatuhu,

O: ([REDACTED]) | E: [REDACTED]

Website: <https://www.alwadoodacademy.com/>



1601 Penfield Rd, Ste 575
Rochester, NY 14625

March 28, 2024

Town of Henrietta

475 Calkins Road

Henrietta, NY 14467

Re: LETTER OF AUTHORIZATION

250 Thruway Park Drive, West Henrietta, NY

Proposed Al Wadood Academy

To Whom It May Concern:

Al Wadood Academy authorizes Konar Properties and 250 Thruway Park Drive, LLC the owners of 250 Thruway Park Drive in West Henrietta NY together with their agents to submit and represent applications for special use permit required to allow the operations of a grade school through high school facility 250 Thruway Park Drive.

If you have questions, please do not hesitate to contact us.

Sincerely,

Al Wadood Academy

Sr. Mimi Enadeghe, Founder, President/CEO

AL WADOOD ACADEMY

Assalamualaikum Wa Rahmatullahi Wa Barakatuhu,

O: [REDACTED] | E: [REDACTED]

Website: <https://www.alwadoodacademy.com/>





Erie Station Business Park

INDUSTRIAL COMMERCIAL

PROUDLY OFFERED BY KONAR PROPERTIES



Owners and Tenants

Available Lots

- F -
- G, H, I, J - CooperVision
- K - Snyder's of Hanover
- L - American Filtration Technologies
- N - Williams Mill Office Center
- Q - Vuzix

- R - Progressive Insurance
- S & T - FedEx Ground
- U - ADT Service Dispatch Center
- V - ADT Customer Care Center
- Y - DDS Companies
- W - Orolia

- A-D - 19.9 acres
- E - 3.7 acres
- M - 3.6 acres
- O - 4.9 acres
- P - 3.1 acres
- X - 39,000 SF Flex Shell

SURVEY CONTROL

THE PERMITS SURVEY AND TIES TO CONTROL MONUMENTS WERE ACCOMPLISHED BY PROCEEDING NECESSARY TO ACHIEVE AN ORDERED ACCURACY OF 1 PART IN 10,000 (1:10,000) OR BETTER. ALL DIMENSIONS SHOWN ARE GROUND, THE HIGHEST GEODETIC MONUMENT IS LESS THAN 2500 FEET FROM THE SITE.

UNAUTHORIZED INTERFERANCE OF ACCESS TO A SURVEY MARKER IS A CRIMINAL LAND SURVEY VIOLATION, A VIOLATION OF SECTION 2209, SUBSECTION 1 OF THE NEW YORK STATE SURVEYING LAW. CONSTRUCTION OF THE SURVEY MARKS MUST BE MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S PAID SEAL OR HIS APPROVED SEAL SHALL NOT BE CONSIDERED A VALID "TRUE COPY".

REFERENCES:

1. ERIE STATION BUS/EL PASO HEALTH PROPOSED OFFICE BUILDING EXPANSION BY PERKER ASSOCIATES, DATED 11/11/2014.

CERTIFICATIONS

THIS IS TO CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT THIS PLAN WAS COMPLETED OR REVISION FROM NOTES OF A PRELIMINARY SURVEY COMPLETED ON 09/05/2017.

- CERTIFIED TO:
1. ERIE STATION LLC
 2. WOODS STATE DRAINAGE ASSOCIATES
 3. ERIE COUNTY HEALTH DEPARTMENT
 4. WILSON & SONS ENGINEERS AND ARCHITECTS
 5. SHERRILL AND ASSOCIATES, AS ATTS.

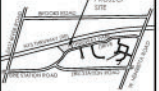
ISSUED:
CORY A. STANLEY, L.S.



45 HENDRIX ROAD
WEST HENRIETTA, NY 14586
PHONE (585) 359-7540
FAX (585) 359-7547



TOWN OF HENRIETTA



LOCATION MAP

NO.	DATE	BY	REVISIONS
1	11/11/17	AGS	PROJ. SET, ASSIGNED & CORRS.
2			
3			
4			
5			

PROJECT NAME:

e-HEALTH AS-BUILT 250 THRUWAY PARK DRIVE

RELATED TO PART OF TOWN OF HENRIETTA, SHERBORN COUNTY, NEW YORK

CLIENT:
KONAR PROPERTIES 75 THRUWAY PARK DRIVE WEST HENRIETTA, NY 14586

DRAWN BY: **M.J.G.**

CHECKED BY: **C.R.T.**

APPROVED BY: **C.R.T.**

DATE: **09/07/2017**

PROJECT NO.: **21-17-1096**

DRAWING TITLE

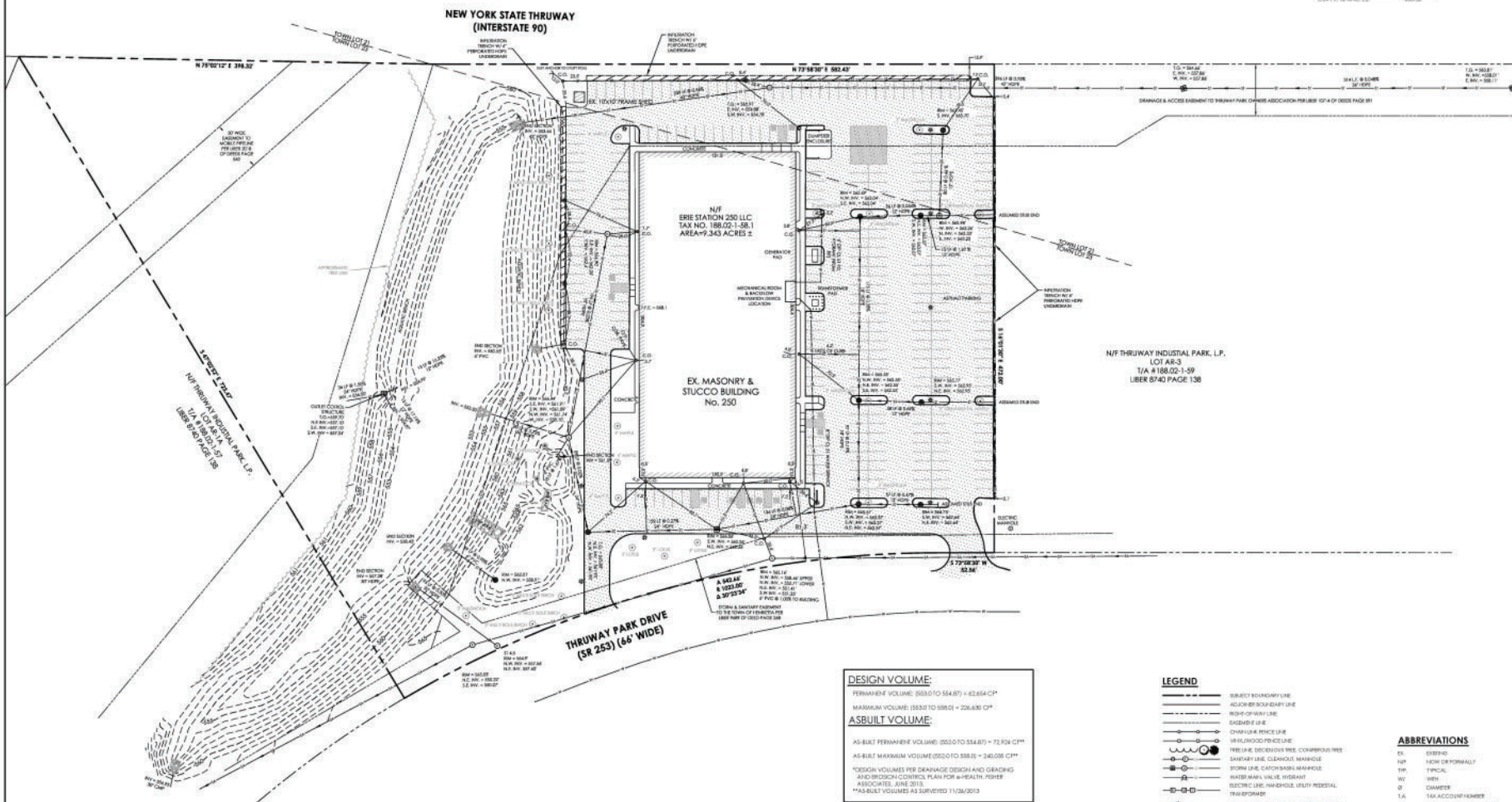
AS-BUILT SURVEY

DRAWING SCALE

1" = 50'

DRAWING NUMBER

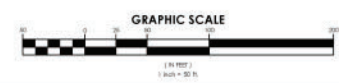
17-1096 E_HEALTH AS BUILT



DESIGN VOLUME:
PERMANENT VOLUME: (553.0 TO 554.87) = 62,654 CFT
MAXIMUM VOLUME: (553.0 TO 558.0) = 226,630 CFT

AS-BUILT VOLUME:
AS-BUILT PERMANENT VOLUME: (553.0 TO 554.87) = 72,924 CFT
AS-BUILT MAXIMUM VOLUME: (553.0 TO 558.0) = 343,035 CFT

*DESIGN VOLUMES PER DRAINAGE DESIGN AND GRADING AND EROSION CONTROL PLAN FOR e-HEALTH PERKER ASSOCIATES, JUNE 2013.
**AS-BUILT VOLUMES AS SURVEYED 11/20/2013



LEGEND

- SUBJECT BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- CHAIN LINK FENCE LINE
- SWH/PROPOSED FENCE LINE
- TREE LINE, DISCONTINUED TREE, CONTOUR LINES
- SANITARY LINE, CLEANOUT, MANHOLE
- STORM LINE, CATCH BASIN, MANHOLE
- WATER MAIN, VALVE, HYDRANT
- ELECTRIC LINE, MANHOLE, LEAKY, PEDESTAL, TRANSFORMER
- OVERHEAD ELECTRIC, POWERPOLE, ANCHOR
- UNDERGROUND ELECTRIC
- GAS MAIN, VALVE, GAS METER
- FIRE LINE, FIRE LINE, FIRE METER
- CENTERLINE OF RIGHT-OF-WAY
- CENTERLINE OF PAVEMENT
- SHIPING/LOADING LOCALS, BOLLARDS, COORDINATE LABELS

ABBREVIATIONS

- CR - CENTERLINE
- INT - INTERSECTION
- TRP - TYPICAL
- WT - WIDTH
- Ø - DIAMETER
- TA - TAX ACCOUNT NUMBER
- PLA - UTILITY PLAIN NAME OCCURRING
- REC - PER RECORD MAP/PLAN
- LAT - LATITUDE
- LONG - LONGITUDE
- C.O. - CLEARCUT
- CB - CHECKMANS
- MR - MARKER
- FR - FINISHED FLOOR ELEVATION