



TOWN OF HENRIETTA
 County of Monroe
 State of New York
 475 Calkins Road, Rochester, NY 14623
 (585) 334-7700 • www.henrietta.org

TOWN OF HENRIETTA
 APPLICATION TO TOWN BOARD
 - SPECIAL USE PERMIT -

Appeal No. SP2024-015

Date 3/28/24

Applicant: Konar Properties and Erie Station 250, LLC mtrojian@konarproperties.com
Name Email

75 Thruway Park Drive, West Henrietta NY 14586
No. & Street City State Zip Code Phone Number

Business Owner: Al Wadood Academy Corp. alwadoodacademy1@gmail.com
Name Email

1601 Penfield Rd, Ste 575, Rochester NY 14625
No. & Street City State Zip Code Phone Number

Business Name: Al Wadood Academy Corp.

Business Address: _____
No. & Street City State Zip Code

Property Owner: Erie Station 250, LLC
Name Email

75 Thruway Park Drive, West Henrietta NY 14586
No. & Street City State Zip Code Phone Number

Architect/Engineer: _____
Name Email

No. & Street City State Zip Code Phone Number

Hereby request from the Town Board for a Special Use Permit for the property located at:

250 Thruway Park Drive West Henrietta NY 14586
No. & Street City State Zip Code

188.02-1-58.1 Industrial
Tax Map No. Zoning District

If property is under a purchase option, indicate date option expires: N/A

Under the Zoning Ordinance, a Special Permit is requested pursuant to:

Article: VIII Section: 295-25 Subsection: A Paragraph: (16) of the Zoning Ordinance.

Description of Proposal: To allow for a private school with classes from prekindergarten through high school to operate in an Industrial zone.

Multiple Dwelling Applications – Dwelling Units per Acre: _____

Does this exceed allowed amount per Henrietta Code §295-13[E](1)(b) Yes No

Printed Name: Michael Trojian Signature: _____

T Wenzel May 8, 2024 6:00 pm
Received By Date of Meeting* Time

*A meeting date will be assigned when applications are turned in but if the application is deemed incomplete, it will not be scheduled and the Applicant will be notified.

**Statement of Applicant and Owner with Respect to Reimbursement
of Professional and Consulting Fees**

In conjunction with an application made to the Town of Henrietta, the undersigned states, represents and warrants the following:

- 1) I/We am/are the applicant and owner with respect to an application to the Town of Henrietta.
- 2) I/We have been advised of, are aware of and agree to comply with the obligation to reimburse the Town of Henrietta for any and all professional and consulting fees incurred by the Town in conjunction with this and any other applications by me/us, including but not limited to engineering and/or legal fees, all as more fully set forth in the Henrietta Town Code.
- 3) I/We have been provided with, or have otherwise reviewed the Henrietta Town Code provisions related to the obligation to reimburse the Town with respect to professional and consulting fees, and agree to comply with the same.
- 4) I/We understand that this obligation shall not be dependent upon the approval or success of the application.
- 5) I/We further agree that in the event the Town of Henrietta is required to refer for collection an outstanding debt for such professional and/or consulting fees due to the Town of Henrietta, I/we shall be obligated to pay the reasonable attorney's fees incurred as a result of the Town's efforts to collect such fees. Reasonable attorney's fees shall also include any and all disbursements that may result from the commencement of litigation.
- 6) Each party to the application, including the applicant and the owner, shall be jointly and severally liable for all consulting and professional fees and expenses incurred in conjunction with the application.

Applicant/Business Owner: Konar Properties and 250 Erie Station, LLC

By: Michael A. Trojian

Title: N/A

Dated: March 27, 2024

Signed:  _____

Property Owner: Konar Properties and 250 Erie Station, LLC

By: Michael A. Trojian

Title: Director of Commercial Properties.

Dated: March 27, 2024

Signed:  _____



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: (315) 791-2277 | E: alwadoodacademy1@gmail.com

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: (315) 791-2277 | E: alwadoodacademy1@gmail.com
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 ITS 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 INTERFERENCE OF ANY KIND TO A SURVEY MARKER IS A CRIMINAL LAND SURVEY VIOLATION, A VIOLATION OF SECTION 2509, SUBSECTION 1 OF THE NEW YORK STATE SURVEYING LAW. CONSTRUCTION OF THIS SURVEY MAP MUST BE MARKED WITH AN ORIGINAL OF THE LEAD SURVEYORS PAID SEAL OR HIS APPROVED SEAL SHALL NOT BE CONSIDERED A VALID TRUE COPY.

REFERENCES:

1. ERIE STATION BUS/SEL PARK & HEALTH PROPOSED OFFICE BUILDING EXPANSION BY PERKINS 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 250 LLC
 2. WOODS STATE DRAINAGE, AS ATTY
 3. ERIE COUNTY TRAIL ASSOCIATION COMPANY
 4. MASONRY & STUCCO BUILDING ASSOCIATES
 5. SHERRING AND ASSOCIATES, AS ATTY

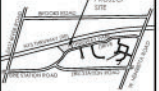
SKETCHED:
CORY R. STANLEY, L.L.E. 09/05/17



45 HENDRIX ROAD
WEST HENRIETTA, NY 14586
PHONE (585) 359-7500
FAX (585) 359-7547



TOWN OF HENRIETTA



LOCATION MAP

| NO. | DATE | BY | REVISIONS |
|-----|----------|-----|------------------------------|
| 1 | 11/11/17 | AGS | PROJ. CHG. APPROVED & CORRS. |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |

PROJECT NAME:
e-HEALTH AS-BUILT 250 THRUWAY PARK DRIVE

RELATED TO PART OF:
TOWN OF HENRIETTA, SOURCE COUNTY, NEW YORK

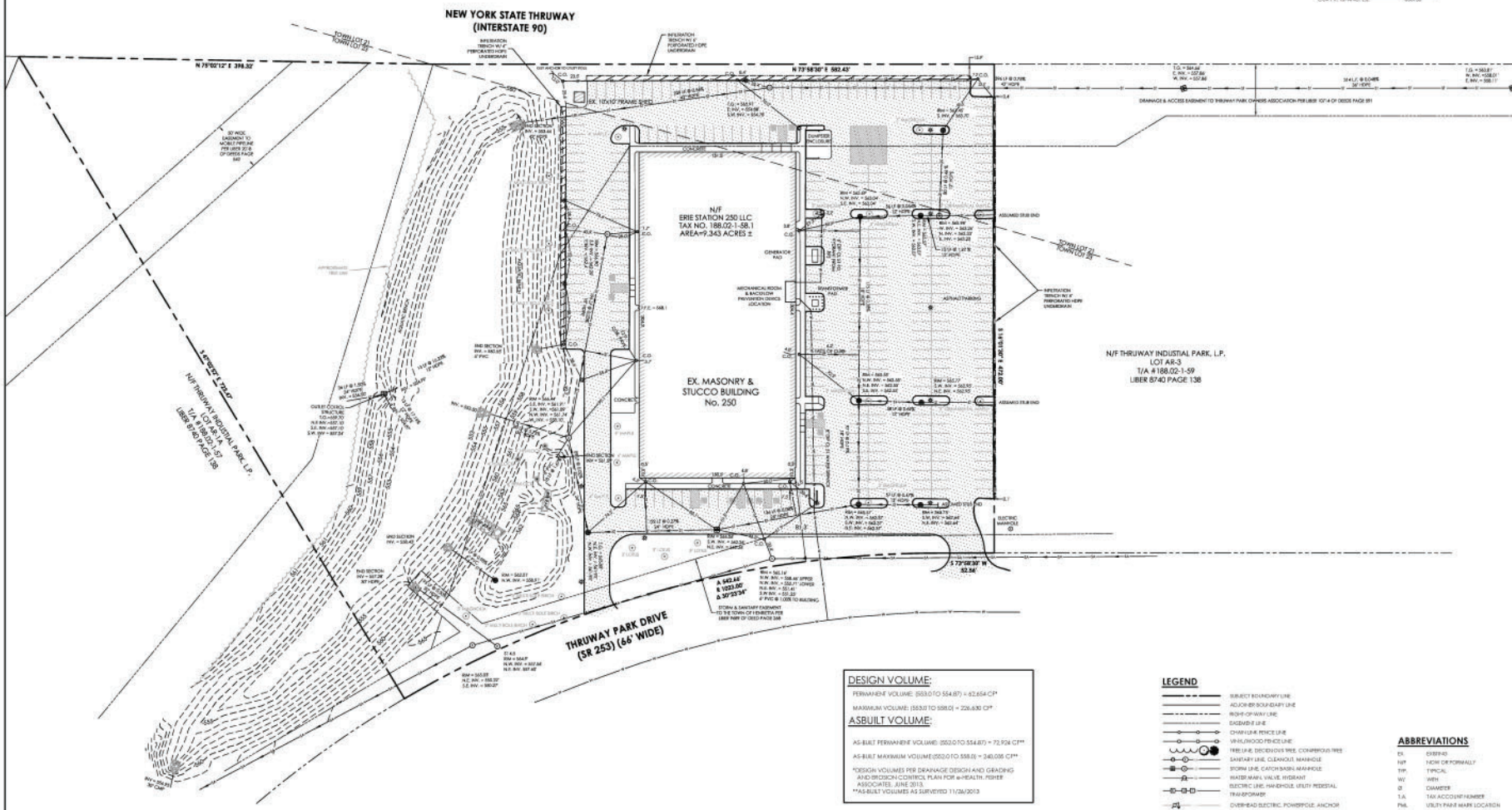
CLIENT:
KONAR PROPERTIES 75 THRUWAY PARK DRIVE WEST HENRIETTA, NY 14586

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'

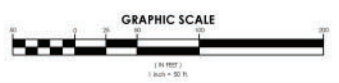
DRAWING NUMBER:
17-1096 E_HEALTH AS BUILT



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) = 345,035 CFT

*DESIGN VOLUMES PER DRAINAGE DESIGN AND GRADING AND EROSION CONTROL PLAN FOR e-HEALTH PERKINS 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
- SW/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
- FIBER OPTIC LINE, FIBER OPTIC MANHOLE
- CENTERLINE OF RIGHT-OF-WAY
- CENTERLINE OF PAVEMENT
- SHIP, BOAT, MARINA, CONCRETE MARSHALLS, 30' DIA.
- SAMPLE BERING LOCATION, BOUNDARY, COORDINATE LABEL

ABBREVIATIONS

- CR: CENTERLINE
- INT: INTERSECTION
- TRP: TYPICAL
- WT: WIDTH
- Ø: DIAMETER
- TA: TAX ACCOUNT NUMBER
- PAL: UTILITY PAPER MAP RECORD
- REC: PER RECORD MAP P.N.G.
- LAT: LATITUDE
- LONG: LONGITUDE
- C.O.: CLEARCUT
- CB: CHECKMANS
- MR: MANHOLE
- FR: FINISHED FLOOR ELEVATION