

AS ACTED UPON DURING A DULY NOTICED OPEN SPECIAL USE PERMIT 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 MARCH 24, 2021 AT 5:30 P.M.

On Motion of
Supervisor Schultz

Seconded by
Councilmember Barley

WHEREAS, an application was filed with the Henrietta Town Board by Marlwood Partners, LLC. for the construction of a truck parking lot located adjacent to 39 Commerce Drive, Tax ID No. 161.15-1-4 (the "Project"), for which the Applicant requests a Special Use Permit under Town Code Section §295-14 B(6) to construct a parking lot for truck parking (Special Use Permit #2020-032); and

WHEREAS, the Town Board has carefully considered all relevant information, including but not limited to the Special Use Permit application, Letter of Intent, plans, 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 approval, 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 March 16, 2021, in accordance with the New York State Quality Review Act ("SEQR"), the Planning 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 grants approval for Special Use Permit #2020-032 to construct and use a parking lot for truck parking, with the following conditions:

1. The applicant will be required to address all outstanding comments from the Director of Engineering & Planning, in addition to those recommendations set forth from the Henrietta Conservation Board at their March 2, 2021 meeting.
2. The applicant will be required to supply the Town with either a letter or a permit from the New York State Department of Environmental Conservation (NYSDEC) indicating that the applicant has approval to park trucks on the property.
3. Per the letter from the NYSDEC dated March 10, 2021, the applicant shall reach out to the department of NYS OPRHP regarding potential impacts to archaeological resources from the development of this area.
4. As stated in the Planning Board approval letter dated March 19, 2021, the applicant shall return to the Planning Board in approximately ninety days to show compliance with the outstanding issues and conditions set forth herein.

5. Applicants/Owners must meet all DEC, State, County, and Town requirements, both prior to making any improvements and during operations, to the satisfaction of the Town Engineer or designated Town representative.

Duly put to a vote:

Councilmember Barley	voting	Aye
Councilmember Stafford	voting	Aye
Councilmember Sefranek	voting	Aye
Councilmember Bolzner	voting	Aye
Supervisor Schultz	voting	Aye
	Carried	

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 proposal consists of constructing a gravel parking lot to park approximately seven tractor trailer trucks adjacent to 39 Commerce Drive. The proposed location is zoned Industrial and is surrounded by retail, offices, warehouses, and manufacturing facilities. A truck parking facility is neither a permitted or prohibited use in an Industrial zoned district, therefore requiring a Special Use Permit from the Town Board. This use is very consistent with the development and character of the neighborhood and works well with the other uses in the vicinity.

- 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.**

Commerce Drive is in one of the main industrial areas of the Town and the use detailed in the Comprehensive Land Use Plan calls for it to remain this way. As such, a new parking lot for parking tractor trailers is very consistent and in harmony with the existing and probable future development of the property's neighborhood.

- 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 is for a gravel parking lot for parking tractor trailer trucks which will require the Applicant obtaining of special use permit from the Town Board. The design of the proposed parking lot is consistent with the design and development standards of the Industrial zoned 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.**

Neither the construction nor the operation of the parking lot will create any nuisance in law or in fact.

- 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.**

Because of the proposed use as a parking lot, it is not expected to create any material hazards or dangers to the public.

- 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 will not create materially adverse impacts that cannot be adequately mitigated. The only significant moderate impact is that the project is located within Inactive Hazardous Waste Site #828079 (Stuart-Oliver-Holtz). The Applicant will have to obtain approval from the New York State Department of Environmental Conservation prior to moving forward with the project and to adhere to any conditions indicated in the permit.

- 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.**

Since the project is located along an industrial road within the Town, no screening or buffers are necessary. Also, a stormwater management facility and/or a green infrastructure initiative will be used to control the runoff leaving the site.

- 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 proposed lot is sufficient in terms of public infrastructure, utilities, emergency services, etcetera.

- 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.**

Since the parking lot will be utilized by approximately seven tractor trailers, the existing traffic patterns on Commerce Drive will be maintained.